



COMMONWEALTH OF VIRGINIA

## *Fairfax Circuit Court*

4110 Chain Bridge Road  
Fairfax, Virginia 22030-4048

703-246-2770 TDD 703-352-4139



**JOHN T. FREY**  
Clerk Of Circuit Court

**BARBARA A. KENNEY**  
Chief Deputy

Dear Circuit Court Patron:

My staff and I are dedicated to trying to provide the best possible service to those using the Court. With this in mind we have worked with the Fairfax Bar Association to develop the attached brochure to help you understand the legal procedures required to obtain a divorce.

This brochure consolidates all of the information that my office can legally provide to the public. If you choose to represent yourself, you will be expected to follow the same procedures as an attorney. Please do not ask court personnel for legal advice or assistance. Court personnel are prohibited by state law from giving you legal advice or assistance. You are strongly encouraged to hire a competent attorney.

You are responsible for preparing all the necessary documents for your case. It should be noted that there are no fill-in-the-blank forms for divorce PREPARED BY OR APPROVED BY THE VIRGINIA COURT SYSTEM. The forms contained in this brochure are those commonly used in the Fairfax Circuit Court. These forms may or may not be appropriate for your particular case. Any desired outcome from your use of the forms cannot be predicted or guaranteed.

The information and materials contained in this brochure are intended to provide users with general information only. It is not intended to constitute legal advice or to replace competent legal representation. In fact, I strongly recommend that you hire a competent attorney to represent you in this matter.

Due to the changing nature of the law, the information and forms contained in this brochure may become outdated. Therefore, you should review and research statutes and procedural rules referenced in the instructions to ensure that they are accurate and current. In no event will the Fairfax Circuit Court Clerk's office or anyone contributing to the production of these forms and instructions be liable for any indirect or consequential damages resulting from their use.

It is my sincere hope that this information will help make the divorce process easier and less time consuming for you.

Sincerely,

John T. Frey, Clerk  
Fairfax County Circuit Court

# PRO SE DIVORCE SUITS

“Pro se” means that a party to a lawsuit is representing him or herself. All persons involved in divorce cases are strongly encouraged to consult with an attorney so that the legal proceedings and the effect of legal documents and orders can be fully explained to you. If you have children, property, or support issues which need to be decided by the court and which have not been resolved by an agreement, you are not required to retain an attorney, but neither the Clerk’s Office personnel nor the judges’ law clerks can give you advice on how to proceed. **If you proceed without legal counsel, you may unknowingly lose rights to custody or visitation, child or spousal support, distribution of property, or other legal claims arising out of your marriage.** Furthermore, at trial the same rules will apply as if you had an attorney, and the Judge is not permitted to help you in presenting your case.

If you do not know your spouse's whereabouts, or if he/she is in jail for committing a felony, these are special circumstances which you should also address with an attorney.

“Uncontested divorce actions” are those in which the parties have agreed upon all issues before the court, or those in which it is anticipated that only one side will actively participate. “No-fault divorce” suits are those in which the parties only ask for a divorce on the grounds that they have lived separate and apart for the period of time required by law.

**The Clerk's Office cannot make recommendations for specific attorneys**, but you can call:

The Virginia Lawyer State Bar Referral Service  
1-800-552-7977

Or

The Fairfax Bar Association Lawyer Referral Service  
703-246-3780

**If you decide to proceed on your own, you will be expected to follow the same procedures as an attorney.** If your case is uncontested it may take two to six months to complete your divorce even if there are no complications. If your case is contested, a final hearing will be set at a “Scheduling Conference” and your case will usually take much longer than six months to complete. One hearing will be set for custody and visitation, and a separate hearing will be set for property division and support.

You are responsible for preparing all documents to be submitted in the divorce. Please **DO NOT** ask Court personnel for legal advice or assistance. State law prohibits Court personnel from giving you legal advice or assistance.

Before you file for divorce, you may wish to review the appropriate divorce laws in the Virginia Code. The Virginia Code books are located in the Law Library at the Judicial Center and at Regional and Community Library locations. The Virginia Code

and Rules of The Supreme Court of Virginia are available on line at <http://leg1.state.va.us/000/src.htm>

A review of these laws may help you better understand the divorce process.

All contested divorce cases will proceed and be set for trial at a Scheduling Conference set through the “Divorce Case Tracking System.” If **all** issues, such as grounds for divorce and distribution of property, are totally uncontested a party may request a Judge of the Court to hear the evidence *Ore Tenus* (live testimony) without waiting for the Scheduling Conference date or the scheduled trial date. This can be done only after filing, in proper form, the necessary documents and a Request for *Ore Tenus* Hearing, which are discussed below.

## **I. PROCEDURE**

In order for you to obtain a divorce in Virginia, either you or your spouse must be a resident and domiciliary of the Commonwealth of Virginia for at least six months prior to filing suit. (Virginia Code section 20-97.)

In your Complaint you must allege specific grounds upon which a divorce may be granted. The two most common grounds are no-fault divorces based upon either a six-month separation or a one-year separation. You are eligible for a six-month divorce **ONLY** IF you have entered into a written separation agreement and there are no minor children born of the parties, born of either party and adopted by the other, or adopted by both parties. These facts must be stated in the Complaint. In any no-fault divorce you and your spouse must have been separated for the required amount of time **PRIOR TO FILING YOUR SUIT**. This separation period must also be clearly alleged in your Complaint. You may **NOT** file your Complaint for Divorce before the appropriate separation period has expired or your case will be dismissed or could be determined to be invalid. If the case is dismissed you will have to file for divorce again and pay another filing fee. You can, of course, also file a Complaint alleging a “fault” ground for divorce, if supported by the facts. All grounds for divorce are set out in Virginia Code sections 20-91 and 20-95.

In addition to stating the grounds and residency requirements, the Complaint must include the following allegations:

- current residences of both parties;
- the date and place of marriage;
- the names and dates of birth of all minor children born or adopted into the marriage;
- a statement that both parties are over eighteen (18) years of age; and,
- a statement of each party's military status.

### **PLEASE REMEMBER**

- If you proceed *pro se* you will be representing yourself.
- The Clerk and the Court cannot advise or represent you.

- Your documents must be typed double-spaced on 8 1/2" by 11" white paper, allowing for 1 1/2 inch margins in all four directions.
- Printed on only one sided paper.
- If you send any documents to the Court, mail them to:

Clerk of the Circuit Court  
4110 Chain Bridge Road  
Fairfax, Virginia 22030  
Attention: Civil Case Processing

If you wish to file documents personally or by any type of hand delivery, please bring them to the Clerk's Office Civil Division counter on the third floor of the Fairfax County Courthouse during regular business hours.

## **II. PREPARING & FILING YOUR COMPLAINT**

### **A. REQUIRED DOCUMENTS**

The Plaintiff (person starting the divorce) must file the following documents:

- An original Complaint and one copy of the Complaint for service. (ATTACHMENT 1)
- A completed VS-4 Form. This form is a statistical form that is required for all divorce filings before the divorce can be finalized. **It must be completed properly in black ink.** (If not attached herein, the VS-4 Form may be obtained from the Clerk's Office) The VS-4 must be legible. It cannot be accepted if there are any white-outs or hand made corrections. (ATTACHMENT 2)
- Two copies of the completed "Domestic Case Coversheet" completed with names & addresses (you must provide your complete address unless the Court for good cause shown orders otherwise), of both parties, date of separation, and whether you believe this is a contested or uncontested divorce. (ATTACHMENT 3)
- Filing fees and Sheriff Fees, if applicable. All Filing fees and Sheriff Service Fees are paid by cash, certified check or money order payable to the Clerk of the Circuit Court.

### **B. INITIAL FEES**

Please visit the court's website at:

<http://www.fairfaxcounty.gov/courts/circuit/pdf/CCR-A-20.pdf>

to determine the filing fees.

**C. CASE NUMBER**

Your case will be given a case number as soon as it is filed. This is the number by which the Court references your case and it must appear on all documents regarding your divorce. The case number will consist of CL, a 4 digit year indicator & the number (e.g., CL-2009-0000001).

**D. SERVICE**

After you file the Complaint, you must determine how the Defendant will be served with the Complaint.

**III. SERVING THE DEFENDANT (person you are seeking divorce from) WITH THE COMPLAINT**

**A. SERVICE OF PROCESS**

Process in a divorce case may be served on the Defendant by any of the methods specified in Va. Code §8.01-296:

- personal service,
- posting on the residence, or
- service on a family member of the household over sixteen years old.

Service may be by a Deputy Sheriff or a person authorized to serve process under Va. Code §8.01-293. If service is by the Sheriff or a Private Process Server you must request the Clerk to prepare a Summons to attach to and be served on the Defendant along with a copy of the Complaint. The Complaint and the Summons are known as the “process” of the divorce action.

A Defendant may also accept or waive service pursuant to Va. Code §20-99.1:1 by signing a proof of service or an “Acceptance of Service” indicating that the defendant has received the papers in the suit. A Defendant may also waive service of process by filing an Answer to the Complaint. (ATTACHMENT 4)

**B. TYPES OF SERVICE**

**1. ACCEPTANCE OR WAIVER OF SERVICE:**

- Pursuant to Va. Code §20-99.1:1, a Defendant may accept service by signing an "**Acceptance/Waiver of Service of Process and Waiver of Future Service of Process and Notice**" - **Form CC-1406**. This must be signed under oath before a notary public or deputy clerk and it cannot be done prior to the filing of the suit.
- This form can be accessed through the website of the Virginia Judicial System at <http://www.courts.state.va.us/forms/circuit/cc1406.pdf> or (ATTACHMENT 4).

2. SERVICE BY SHERIFF:

- If the Defendant lives in the Commonwealth of Virginia, a Virginia Sheriff can serve process on the Defendant if the Sheriff's fee is included with the initial filing.

Fee for Sheriff Service: \$12.00 for each service

Payment is made by certified check or money order payable to:  
Clerk of the Circuit Court

- The Sheriff will give the person that is being served a copy of the Complaint and the Summons. The Sheriff will execute the proof of Service of the process and shall file the Proof of Service with the Clerk of the Court within seventy-two (72) hours of service.
- If the Defendant is a non-resident of Virginia, you will need to contact the authorities in the state and locality in which the Defendant resides in order to learn of the local regulations for service. You may wish to have the Defendant accept out-of-state service. This can be done using the "Acceptance/Waiver of Service of Process and Waiver of Future Service of Process and Notice" (Form CC-1406) mentioned above. This must be signed under oath before a notary public and it cannot be done prior to the filing of the suit.

3. PRIVATE PROCESS SERVICE:

- The Private Process Server will give the Defendant a copy of the Complaint and the Summons. The Process Server will execute an Affidavit of Service and must file the Affidavit with the Clerk of the Court where the matter is pending within seventy-two (72) hours of service.
- Return by person serving process pursuant to Va. Code §8.01-325 – "If service by any other person qualified under Va. Code §8.01-293, whether service made in or out of the Commonwealth, his affidavit of such qualifications; the date and manner of service and the name of the party served; and stamped, typed or printed on the return of process, an annotation (statement) that the service was by a private server, and the name, address and telephone number of the server."
- The Affidavit by Private Process Server must include the following:
  - A statement that the serving person is duly authorized to make service in accordance with §8.01-293 of the Virginia Code;
  - State that the process server or the person serving the process is over eighteen years of age;
  - State that the person serving the process is not a party or otherwise interested in the subject matter or controversy (Va. Code §8.01-293);
  - The date and manner in which service was made;
  - The name of the party served;
  - An annotation that service was by private process server; and,

- Name, address and telephone number of private process server.

4. SERVICE BY PUBLICATION:

- Service of process may be accomplished by an “Order of Publication.” This may be done in cases in which the Defendant is a non-resident or a Defendant whose whereabouts are unknown after you have diligently (made all efforts) tried to locate him or her. Va. Code §20-104 and §8.01-316, *et seq.*
- The Clerk’s Office maintains a list of newspapers approved for publication in accordance with Va. Code 8.01-324. An Order of Publication must be published in a newspaper prescribed by the court pursuant to Va. Code §8.01-317. The number of times that the publication must be in the newspaper is once a week for four successive weeks.
  - Please note that if service is by publication, the only resolution you can achieve is a termination of your marriage and incorporation (inclusion) by the Court of any written agreements reached by you and your spouse. If you have no agreements, the Court can only terminate your marriage but cannot resolve other issues.
- Forms for the Affidavit and Order of Publication can be obtained from the Clerk’s Office or can be accessed on the Courts’ website at:  
<http://www.fairfaxcounty.gov/courts/circuit/pdf/CCR-H-46-47.PDF>
- Documents & Fees Required to complete service by publication:
  - Original Order of Publication
  - Affidavit notarized by Plaintiff or attorney stating the following:
    - the individual is a non-resident individual; **or**
    - the individual cannot be found, that due diligence has been used to locate the party to be served but the efforts have been unsuccessful; **or**
    - the individual cannot be served with court process, and that a return has been filed by the Sheriff which shows that the process has been in his or her hands for twenty-one (21) days and the Sheriff has been unable to make service.
  - An envelope addressed to the individual being served by publication at their last known address, if known.
  - A completed certified mail receipt or registered mail receipt and appropriate fees for such mailing. Certified or registered mail can be sent by the post office and after the person receives what you sent, the post office sends you a receipt.
  - A copy of the pleading to be served by publication.
  - Check payable to the specific Newspaper in the amount of \$25.00.
  - Certified/Registered Mail Fees payable to the Clerk of The Circuit Court by cash, certified check (bank check) or money order.

**Certified Mail (Green return receipt card – within the U.S.) \$ 5.00**  
**Registered Mail (Pink return receipt card -outside the U.S.) \$10.00**

- For publication in the newspaper you choose, you must submit a check payable to the specific newspaper. *If additional fees are required, the newspaper will bill the Plaintiff or counsel.*
- The Plaintiff must make specific arrangements with the newspaper. The Court will process the Order of Publication documentation, but the Plaintiff will be required to make arrangements to have the documentation delivered to the newspaper for publication.
- Upon completion of publication, the publisher will file an affidavit with the dates of publication and a copy of the published order with the Clerk of the Court in accordance with Va. Code §8.01-325. Upon receipt of the "proof of publication" the Clerk will complete a certificate of compliance and place it in the case file in accordance with Va. Code §8.01-317.
- If service of the Complaint is made by publication, a court reporter is required at the divorce hearing in accordance with Rule 3:1, unless the Defendant files an answer, waiver or other formal appearance. The Plaintiff is responsible for making arrangements for a court reporter to be present.

#### **IV. AFTER SERVICE OF PROCESS**

- After serving process, the Defendant may choose to waive further notice of the proceedings by executing a waiver form. Again, this can be done using Form CC-1406 - Acceptance/Waiver of Service of Process & Waiver of Future Service of Process and Notice. A copy of this form is available in the Clerk's Office, can be accessed through the website of the Virginia Judicial System at <http://www.courts.state.va.us/forms/circuit/cc1406.pdf> or ATTACHMENT 4. The form must be signed under oath in front of a Notary Public or Deputy Clerk of the Circuit Court. (Note: The Waiver of Notice cannot be signed by the Defendant prior to the filing of the Complaint.)

#### **V. PROCEEDING WITH THE DIVORCE ACTION**

- A. CONTESTED DIVORCES:** These cases will be placed in the Domestic Case Tracking Program and will be set for trial on all contested issues.
- B. UNCONTESTED DIVORCES:** The only cases that may proceed by *ore tenus* hearing are purely uncontested matters. These are matters where all property, custody, child support and spousal support rights are resolved, and neither party is going to claim any fault grounds for divorce, and where neither party is going to put on any evidence of the facts and circumstances leading to the dissolution of the marriage.

**C. RESTORATION OF FORMER NAME – Va. Code §20-121.4:** If one of the parties asks either in the Complaint or in any motion filed with or after the Complaint to resume their maiden or former name, an additional fee for recording of a name change is required. When the Final Decree of Divorce from the bond of matrimony is signed, the court may restore the party's maiden or former name in a separate order meeting the requirements of Va. Code §8.01-217, provided the proposed order changing the name is submitted along with the final decree of divorce.

**D. PRIVACY ADDENDUM – VA. CODE §20-121.03:** Any petition, pleading, motion, order, or decree filed under this chapter, including any agreements of the parties or transcripts (written record of testimony), shall not contain the social security number of any party or of any minor child of any party, or any financial information of any party that provides identifying account numbers for specific assets, liabilities, accounts, or credit cards. Such information if required by law to be provided to a governmental agency or required to be recorded for the benefit or convenience of the parties, shall be contained in a separate addendum filed by the attorney or party. Such separate addendum (attachment) shall be used to distribute the information only as required by law. Such addendum shall otherwise be made available only to the parties, their attorneys, and to such other persons as the court in its discretion may allow. The attorney or party who prepares or submits a petition, pleading, motion, agreement, order, or decree shall ensure that any information protected pursuant to this section is removed prior to filing with the clerk and that any separate addendum is incorporated (included) by referring back to the petition, pleading, motion, agreement order or decree.

- **Identification of Private Addendum – Colored Paper:** The complete order or decree, public and private parts, must be submitted simultaneously (at the same time) to the court for entry. The private addendum needs to be printed on light pink paper (ATTACHMENT 6) so that the clerk knows immediately that this document must be sealed in the case file or must have a pink coversheet paper-clipped on top of the private addendum document.
- The addendum may be in a format of a pleading that has in bold print **“PRIVATE ADDENDUM PURSUANT TO VA. CODE §20-121.03”**. A sample of a Final Decree of Divorce is attached for six month separation and one year separation. (ATTACHMENT 5)
- The Private Addendum recommended by the Supreme Court of VA- state form CC-1426 can be accessed through the Web-Site of the Virginia Judicial System.

<http://www.courts.state.va.us/forms/circuit/cc1426.pdf>

(ATTACHMENT 6)

- E. **ORE TENUS HEARING:** If all issues are uncontested, a party may request to have the Court hear evidence *ore tenus*. You may pick up an outline of the *Ore Tenus* Hearing Instructions and Request for *Ore Tenus* Hearing form at the Clerk's Office Civil Division counter on the third floor of the Fairfax County Courthouse. Or you can access the information on the Court's website at:  
<http://www.fairfaxcounty.gov/courts/circuit/pdf/CCR-H-50.PDF>  
or (ATTACHMENT 7)

1. BEFORE THE *ORE TENUS* HEARING

At the time the Request for *Ore Tenus* Hearing is filed, the party filing the Request must submit with the request,

- Original proposed Final Decree of Divorce;
- Name Change Order to resume maiden or former name, if applicable;
- Copy of any Separation Agreement, if applicable; (the original Separation Agreement should be presented to the Court at the hearing.)
- Private Addendum containing the parties social security numbers;
- VS-4 form; (completed legibly in black ink and no white out on form)
- Waiver of Notice or Proof of Service, if applicable.

The Decree must contain the endorsement of each party who is legally entitled to notice of the *ore tenus* hearing and who will not be appearing at the hearing, unless the moving party (person requesting the hearing) will be serving the proposed decree on the other party along with the notice of the date and time of the *ore tenus* hearing. A party is not entitled to legal notice of the hearing if that party: (1) has signed a waiver of notice of entry of the Final Decree of Divorce; or, (2) has accepted or waived service of process and has not filed an Answer in the suit; or, (3) was served by publication and has not filed any papers in the suit other than any waivers; or, (4) has signed a waiver of all further notice. **The original of any Separation Agreement should be presented to the Court at the *ore tenus* hearing.**

Upon filing of a Request for *Ore Tenus* Hearing, the file will be forwarded to one of the judges' law clerks to review all of the pleadings, including the proposed Final Decree of Divorce and any proposed Name Change Order, to assure compliance with all statutory requirements. The law clerk will send you a postcard with information as to whether all proper papers have been submitted and whether they are correct and complete.

- If the law clerk has advised the moving party that the pleadings comply with all statutory requirements, then the moving party must contact the *ore tenus* clerk within 14 calendar days of the date of the written notice, at (703) 246-4200 to schedule the hearing. If required by law, notice of the date and time of the hearing must be served on the other party. **Note: If service of the complaint was made by publication, a court reporter is required at the divorce hearing**, unless Defendant has filed a pleading, waiver or entered an appearance in accordance with law. If the Defendant has filed a pleading, waiver or entered an appearance, a court reporter will not be required. The

plaintiff is responsible for making arrangements for a court reporter to be present.

- If the pleadings do not comply with all legal requirements, the law clerk will mail a blue Rejection of *Ore Tenus* Filing form (Rejection Notice – CCR H-49) to the moving party. The moving party will then have up to 14 calendar days from the date of this form to correct all deficiencies. Upon making the required corrections the moving party must return the corrected pleadings, along with the bottom half of the Rejection Form fully completed, to the Clerk's Office. **It is not sufficient to simply file or mail the correct pleadings to the office of the Clerk of Court without including the bottom half of the Rejection Form and noting that they are to be forwarded to the specific law clerk that sent the form.**
- **All communications with the Judges' law clerks must be in writing and limited to the items in the rejection form. Telephone calls relating to *ore tenus* cases will not be received by the law clerks. Furthermore, since the law clerks are not permitted to give legal advice to attorneys or to pro se parties, requests for such advice will not be entertained.**
- If the revised pleadings comply with all statutory requirements, the law clerk will inform the moving party in writing and then the moving party must contact the *ore tenus* clerk within 14 calendar days of the date on the acceptance postcard to schedule the hearing. Your *ore tenus* hearing must be scheduled for a date certain on a Monday, Tuesday, Wednesday or Thursday at 10 a.m.
- If the revised pleadings do not meet all statutory requirements, or if the moving party has not scheduled the *ore tenus* hearing within 14 calendar days of the date on the acceptance postcard, the parties may not be able to proceed on the uncontested *ore tenus* docket.

## 2. AT THE *ORE TENUS* HEARING

The hearing before the Judge should take approximately ten minutes. The moving party must be prepared to present evidence to support every allegation in the Complaint through the testimony of the moving party **and A CORROBORATING WITNESS** (other than your spouse). A corroborating witness is a witness who has direct personal knowledge of the information (not simply what you or others have told the witness) and can testify to the information outlined in ATTACHMENT 8B. The witness' knowledge must be based on something more than the information given to the witness in preparation for the hearing. The corroborating witness must appear at the time of the hearing. It is the responsibility of the moving party to make certain that the witness can be present on the hearing date. The presiding Judge cannot serve as an attorney, and the moving party must be prepared to ask the relevant questions. A copy of general sample questions are in ATTACHMENT 8B. The questions asked of the witness must support the allegations in the Complaint.

3. FINAL DECREE:

If all legal requirements have been satisfied the Judge will generally enter the **Final Decree of Divorce** at the *ore tenus* hearing. If the case requires the presence of the court reporter at the hearing pursuant to law (court reporter only required when service is by publication and the Defendant has not filed a pleading, waiver or entered an appearance), one party or both parties must arrange on their own (not through the court) for a court reporter to be present at the hearing and to pay for the reporter and a transcript. If a transcript is required, the Final Decree will not be entered until the transcript of the hearing is filed with the Circuit Court. Upon receipt of the transcript, the Final Decree along with the transcript is submitted to the Judge that heard the matter at the *ore tenus* hearing for entry.

**VI. ENTRY OF FINAL DECREE**

Once a Judge has signed the Final Decree of Divorce, the Plaintiff will receive a certified (official) copy from the Court. **To receive this copy**, a self-addressed, stamped envelope must be included when filing the final decree of divorce.

To call and check on the status of a case, contact Civil Case Information at:

(703) 691-7320  
Press 3, 1, 0

If there are any questions concerning this handout, please call (703) 691-7320 press 3,1,4,0. The Clerk's office hopes this information is helpful. Please remember that the Clerk's staff **CANNOT** give you any legal advice.

## Fairfax Public Law Library

4110 Chain Bridge Road, Fairfax VA 22030

Hours: 8:00 AM to 4:30 PM Mon.-Fri./Phone: (703) 246-2170

### FAMILY LAW RESOURCES

**All About Uncontested Divorces.** Fairfax Bar Association. 2005.

Instruction materials not to be used in lieu of legal research and analysis by a qualified attorney. Includes sample pleadings.

Brinig, Margaret F. **Virginia Domestic Relations Handbook, 3d ed.** Lexis. 1996.

One volume treatise updated with 2005 pocket part. Written for Virginia practitioners who handle cases dealing with family relationships. Includes sample forms appendix.

**Fairfax Bar Association Circuit Court Practice Manual: Procedures, Policies, & Forms.** Fairfax Bar Association. 2007. Available in print and on CD-ROM.

Section H of manual contains family law procedures, policies, and sample forms. Manual and CD available for purchase from the Fairfax Bar Association.

**Frequently Requested Family Law Forms.** Fairfax Public Law Library. 2006.

Lists frequently requested forms (bills of complaint, divorce decrees, etc.) and where samples may be located in print and on public access computers in the law library.

**Implementing New Statutory Changes for July 1, 2005.** Fairfax Bar Association. 2005.

References new privacy legislation in divorce cases and use of Commissioners in Chancery. Includes sample agreement and addendum and model orders. Model orders available online at [www.lsnv.org](http://www.lsnv.org).

**Legal Services of Northern Virginia Public Forms.** Online resource at [www.lsnv.org](http://www.lsnv.org).

Includes legal information and numerous family law forms.

**Support Guidelines.** Fairfax Bar Association. 2004.

Guidelines for child support and spousal support. Includes worksheets. Updated model orders available in Implementing New Statutory Changes for July 1, 2005 and on [www.lsnv.org](http://www.lsnv.org).

Swisher, Diehl, & Cottrell. **Virginia Family Law, 2008 ed.** The Harrison Company. 2008.

Annual one volume family law treatise. Includes sample pleading and practice forms. Westlaw Patron Access to treatise and forms available online in library.

**Fairfax Public Law Library**

4110 Chain Bridge Road, Fairfax VA 22030

Hours: 8:00 AM to 4:30 PM Mon.-Fri./Phone: (703) 246-2170

**FAMILY LAW RESOURCES continued:**

**Virginia Family Law—A Systematic Approach, 2d ed.** Virginia Law Foundation. 2008. #871

Comprehensive manual that contains forms and relevant information pertaining to family law in Virginia. Includes sample forms for uncontested and contested domestic relations matters. Staff available to print forms from disc.

**Virginia Forms.** Lexis. 2000.

Updated with 2008 supplement. Vol. 1 of multi-volume set includes sample domestic relations pleadings. Use of forms requires independent legal judgment by the user. Patron access to forms also available online in library at [www.lexis.com](http://www.lexis.com).

**Negotiating and Drafting Marital Agreements.** Virginia Law Foundation. 2008. #859  
Includes sample provisions and marital agreements. Staff available to print forms from disc.

**Understanding Your Domestic Relations Rights in Virginia.** Metropolitan Richmond Women's Bar Association. 2005.

Brochure discusses general legal circumstances related to resolving domestic relations problems under Virginia law.

**NOTE: STAFF ARE PROHIBITED FROM RECOMMENDING ANY FORM**  
**(Sample forms may not be current)**

**For referral to an attorney, you may call Lawyer Referral Service (703) 246-3780**

## **PRO SE DIVORCE FORMS INDEX**

<b>Attachment</b>	<b>Name of Form</b>
1	<p>A. Complaint for Divorce on Ground of Six Months Separation</p> <p>B. Complaint for Divorce on Ground of One Year Separation</p>
2	VS – 4 Form
3	Fairfax Circuit Court Domestic Case Coversheet
4	Acceptance/Waiver of Service of Process and Waiver of Future Service of Process and Notice
5	<p>A. Final Decree of Divorce—Six Month Separation, No Spousal Support</p> <p>B. Final Decree of Divorce—One Year Separation, No Spousal Support, and No Child Support</p> <p>C. Final Decree of Divorce—Six Month Separation with Separation Agreement Containing Spousal Support</p> <p>D. Final Decree of Divorce—One Year Separation, Separation Agreement, and Spousal Support</p> <p>E. Final Decree of Divorce—One Year Separation, Separation Agreement, and Child Custody/Support but <u>No Spousal Support</u></p> <p>F. Final Decree of Divorce—One Year Separation, Separation Agreement, Child Custody/Support, <u>and Spousal Support</u></p>
6	Light Pink Private Addendum
7	Request for <i>Ore Tenus</i> Hearing
8	<p style="text-align: center;">A. <i>Ore Tenus</i> Hearing Instructions</p> <p style="text-align: center;">B. Sample Questions</p>
9	A. Order for Change of Name

(FORM 1 A)

\*\*\* THIS IS A SAMPLE ONLY AND NOT TO BE USED AS A FILL IN THE BLANK FORM. DO NOT retype the language in the parenthesis ( ) when you retype this form. The information in each paragraph needs to be changed as necessary for your particular case. This form is NOT intended to be legal advice and should NOT be relied upon as such. You are encouraged to consult an attorney. This Complaint for Divorce form can only be utilized if 1) there are no minor children; 2) the parties have entered into a Separation Agreement ("SA," which is a written agreement that the parties have separated, and if there is property to be divided, the parties' agreement regarding the division) before filing the Complaint; and 3) have been separated for at least six months before filing the Complaint. \*\*\*

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

\_\_\_\_\_ (*full name*) )  
**Plaintiff** )  
) )  
v. )  
) ) **CL No.** \_\_\_\_\_  
) )  
\_\_\_\_\_ (*full name*) )  
**Defendant** )

**SERVE:** \_\_\_\_\_ (*Full Name of Defendant*)  
\_\_\_\_\_ (*Complete Address of Defendant*)

**COMPLAINT FOR DIVORCE**  
**ON GROUND OF SIX MONTHS SEPARATION**

Plaintiff says:

1. The parties were married on the \_\_\_\_\_ day of \_\_\_\_\_ (*month*),  
\_\_\_\_\_ (*year*) in the City/County of \_\_\_\_\_, State of  
\_\_\_\_\_;

2. There are no children born or adopted of this marriage that are under the age of  
18 years;

3. Plaintiff (*or Defendant if only true for the Defendant*) is and has been an actual bona fide resident and domiciliary of the Commonwealth of Virginia for at least six months immediately before filing this suit;

4. Both parties are of sound mind, over the age of 18 years, and neither is an active duty member of the military service of the United States;  
(*If the Defendant is in the military, he/she must sign a waiver of rights under the Servicemembers Civil Relief Act*)

5. The parties have lived separate and apart without cohabitation and without interruption for more than six months; to wit: since \_\_\_\_\_ (*month*), \_\_\_\_\_ (*day, if you do not remember the exact day, use the last day of the month you just listed*), \_\_\_\_\_ (*year*);

6. The Plaintiff/Defendant (*choose one or both*) formed the intent to remain permanently separate and apart on \_\_\_\_\_ (*day*) \_\_\_\_\_ (*month*), \_\_\_\_\_ (*year*);

7. There is no hope or possibility of reconciliation between the parties; and

8. The parties have entered into a Separation Agreement dated \_\_\_\_\_ (*day*) \_\_\_\_\_ (*month*), \_\_\_\_\_ (*year*).

**WHEREFORE**, Plaintiff prays as follows:

That he/she (*pick only one*) be granted a divorce from the bond of matrimony on the ground that the parties have lived separate and apart without cohabitation and without interruption for more than six month; to wit: since \_\_\_\_\_ (*month*) \_\_\_\_\_ (*day, if you do not remember the exact day, use the last day of the month you just listed*), \_\_\_\_\_ (*year*); and

That the Separation Agreement executed (signed by) the parties dated \_\_\_\_\_ (*month*) \_\_\_\_\_ (*day*), \_\_\_\_\_ (*year*) hereby be affirmed, ratified and incorporated but not merged into the Final Order of Divorce; and

That the Plaintiff's maiden, or former, name be restored to \_\_\_\_\_ (*Plaintiff's full maiden or former name; you may ONLY ask for this if you are the wife. The husband can not ask to restore his wife's name. Please see ATTACHMENT 9 for a change of name order*).

*(Delete this paragraph if no name change is request.)*

I ASK FOR THIS:

\_\_\_\_\_ *(your signed name)*

Plaintiff, *pro se*

*(Type your full name)*

*(Type your complete address)*

*(Type your daytime phone number)*

(FORM 1 B)

\*\*\* THIS IS A SAMPLE ONLY AND NOT TO BE USED AS A FILL IN THE BLANK FORM. DO NOT retype the language in the parenthesis ( ) when you retype this form. The information in each paragraph needs to be changed as necessary for your particular case. This form is NOT intended to be legal advice and should NOT be relied upon as such. You are encouraged to consult an attorney. This Complaint can be utilized whether or not the parties have entered a Separation Agreement ("SA," which is a written agreement that the parties have separated, and if there is property to be divided, the parties' agreement regarding the division), but the parties must have been separated for at least one year before filing the Complaint. \*\*\*

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

\_\_\_\_\_ (full name) )  
Plaintiff )  
 )  
v. ) CL No. \_\_\_\_\_  
 )  
\_\_\_\_\_ (full name) )  
Defendant )

SERVE: \_\_\_\_\_ (Full Name of Defendant)  
\_\_\_\_\_ (Complete Address of Defendant)

**COMPLAINT FOR DIVORCE**  
**ON GROUND OF ONE YEAR SEPARATION**

Plaintiff says:

1. The parties were married on the \_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year) in the City/County of \_\_\_\_\_, State of \_\_\_\_\_;

2(a). There is/are \_\_\_\_ (number) child[ren] was/were born of the marriage, namely: \_\_\_\_\_; (list all children's names and each one's date of birth);

2(b). There are no children born or adopted of this marriage under the age of 18 years;

***(Choose either # 2(a) OR #2(b) – NOT BOTH. Renumber as #2).***

3. Plaintiff *(or Defendant if only true for the Defendant)* is and has been an actual bona fide resident and domiciliary of the Commonwealth of Virginia for at least six months immediately before bringing/filing this suit;

4. Both parties are of sound mind, over the age of 18 years, and neither is an active duty member of the military service of the United States;  
*(If the Defendant is in the military, he/she must sign a waiver of rights under the Service members Civil Relief Act)*

5. The parties have lived separate and apart without any cohabitation and without interruption for more than one year; to wit: since \_\_\_\_\_ *(month)*, \_\_\_\_\_ *(day, if you do not remember the exact day, use the last day of the month you just listed)*, \_\_\_\_\_ *(year)*;

6. The Plaintiff/Defendant *(choose one or both)* formed the intent to remain permanently separated and apart since *(day)* \_\_\_\_\_ *(month)*, \_\_\_\_\_ *(year)*;

7. There is no hope or possibility of reconciliation between the parties; and

8. The parties have entered into a Separation Agreement dated \_\_\_\_\_ *(day)* \_\_\_\_\_ *(month)*, \_\_\_\_\_ *(year)*.

*(If you do not have a SA delete #8 above)*

**WHEREFORE**, Plaintiff prays as follows:

That he/she *(pick only one)* be granted a divorce from the bond of matrimony on the ground that the parties have lived separate and apart without any cohabitation and without interruption for more than one year; to wit: since \_\_\_\_\_ *(month)* \_\_\_\_\_ *(day, if you do not remember the exact day, use the last day of the month you just listed)*, \_\_\_\_\_ *(year)*; and

That the Separation Agreement dated \_\_\_\_\_ *(month)* \_\_\_\_\_ *(day)*, \_\_\_\_\_ *(year)* hereby be affirmed, ratified and incorporated but not merged into the Final Order of Divorce; and

*(If you do not have a SA, delete the paragraph above)*

That the Plaintiff's maiden, or former, name be restored to  
\_\_\_\_\_ (*Plaintiff's full maiden or former name; you may **ONLY***  
*ask for this if you are the wife. The husband can not ask to restore his wife's name.*  
*Please see ATTACHMENT 9 for a change of name order).*  
*(Delete this paragraph if no name change is request.)*

I ASK FOR THIS:

\_\_\_\_\_ (*your signed name*)

Plaintiff, *pro se*

(*Type your full name*)

(*Type your complete address*)

(*Type your daytime phone number*)

(FORM 2)

\*\*\* THIS IS A SAMPLE ONLY. YOU MUST FILE AN ORIGINAL. Originals are available in the Clerk's Office. \*\*\*

NOTE: ITEMS 1-24 ON THIS FORM TO BE COMPLETED BY PETITIONER OR ATTORNEY AND FILED WITH CLERK OF COURT WITH PETITION OR DECREE

PLEASE PREPARE BY TYPEWRITER OR PRINT IN BLACK UNFADING INK. THIS IS A PERMANENT RECORD

CLERK OF COURT WILL CERTIFY AND FORWARD TO STATE REGISTRAR BY 10TH DAY OF MONTH FOLLOWING DATE FINAL DECREE IS GRANTED

COMMONWEALTH OF VIRGINIA - REPORT OF DIVORCE OR ANNULMENT
Department of Health - Division of Vital Records - Richmond

Form with 24 numbered sections for reporting divorce or annulment, including fields for names, birth dates, residences, marriages, and legal grounds.

SECTION 32.1-268 CODE OF VIRGINIA

VS4 7-04

**(FORM 3)**  
**FAIRFAX CIRCUIT COURT**  
**DOMESTIC CASE COVERSHEET**

**Parties:**

Plaintiffs			Defendants		
Name:			Name:		
Street:			Street:		
City:	State:	Zip:	City:	State:	Zip:
Phone Number: ( )			Phone Number: ( )		

Plaintiff proceeding without Counsel – Address and Phone number required on Complaint

**Plaintiffs Attorney:**

Name:	Bar ID:
Firm:	
Street:	
City:	State: Zip:
Phone Number:	Fax Number:

<input type="checkbox"/> Divorce – <b>totally uncontested</b> <ul style="list-style-type: none"> <li>• Custody, support &amp; property issues resolved or no custody, property or support issues.</li> </ul> Intend to proceed by: <input type="checkbox"/> Ore Tenus hearing <input type="checkbox"/> Deposition <input type="checkbox"/> Unknown at this time	<input type="checkbox"/> Divorce <b>Contested</b> <ul style="list-style-type: none"> <li>• Contested Property or Support Issues</li> <li>• Contested Custody Issues</li> </ul>	<b>OTHER:</b> <input type="checkbox"/> Divorce <input type="checkbox"/> Annulment <input type="checkbox"/> Separate Maintenance
---	---	--

**REOPEN - DOMESTIC ISSUES:**

Custody     Support     Visitation     Show Cause  
 Other: \_\_\_\_\_  
 *Please reflect original Chancery case number:* \_\_\_\_\_

**Requested Service:**

Sheriff     Private Process Server     Notary Acceptance     Publication  
 No Service at this time

(FORM 4)

ACCEPTANCE/WAIVER OF SERVICE OF PROCESS AND WAIVER OF FUTURE SERVICE OF PROCESS AND NOTICE

COMMONWEALTH OF VIRGINIA

Case No. ....

..... Circuit Court

..... v. .... PLAINTIFF DEFENDANT

I, the undersigned party named below, swear under oath/affirm the following:

- 1. I am a party [ ] plaintiff [ ] defendant in the above-styled suit.
2. I have received a copy of the following documents on this date (Please check (b) if you received both the complaint and summons):

- [ ] a. Complaint filed on ..... DATE
[ ] b. Summons with copy of Complaint filed on ..... DATE attached
[ ] c. Other - Describe: ..... filed on ..... DATE

I understand that my receipt of these copies and my signature below constitute (Please check one or both as may be applicable)

- [ ] the acceptance of service of process of these copies, or
[ ] a waiver of service of process and notice which may be prescribed by law.

- 3. I agree to voluntarily and freely waive any future service of process and notice as checked below in this case (Please check (a) or (a) through (f) as may be applicable):

- [ ] a. any further service of process or notice in this case.
[ ] b. notice of the appointment of a commissioner in chancery and hearings held by such commissioner in chancery, if a commissioner in chancery is appointed.
[ ] c. notice of the taking of depositions.
[ ] d. notice of the filing of any reports by a commissioner in chancery of the filing of depositions.
[ ] e. notice of testimony to be given orally in open court.
[ ] f. notice of entry of any order, judgment or decree, including the final decree of divorce.

I understand that, by waiving service of process, I am giving up my right to be notified of the events described immediately above.

..... DATE [ ] DEFENDANT [ ] PLAINTIFF

TO DEFENDANT: Notify the Court in writing of any changes of your address while this case is pending.

State/Commonwealth of ....., [ ] City [ ] County of .....

Subscribed and sworn to/affirmed before me this ..... day of ....., 20 .....

by ..... NAME

..... DATE [ ] CLERK [ ] DEPUTY CLERK [ ] NOTARY PUBLIC (My commission expires ..... ) Registration No. ....

(FORM 5 A—Six Month Separation, No Spousal Support)

\*\*\* THIS IS A SAMPLE ONLY AND NOT TO BE USED AS A FILL IN THE BLANK FORM. DO NOT retype the language in the parenthesis ( ) when you retype this form. The information in each paragraph needs to be changed as necessary for your particular case. This form is NOT intended to be legal advice and should NOT be relied upon as such. You are encouraged to consult an attorney. This sample form is for cases where there is no fault, no contest, at least a six month separation, with a Separation Agreement (“SA,” which is a written agreement that the parties have separated, and if there is property to be divided, the parties’ agreement regarding the division) and NO minor children. \*\*\*

VIRGINIA:

IN THE CIRCUIT COURT FOR THE 19<sup>th</sup> JUDICIAL CIRCUIT

\_\_\_\_\_ (full name) )  
Plaintiff )  
 )  
v. ) CL No. \_\_\_\_\_  
 )  
\_\_\_\_\_ (full name) )  
Defendant )

**FINAL DECREE OF DIVORCE**

This cause, which has been regularly docketed, matured and set for hearing as to the Plaintiff, came on this day, upon proof of proper and legal service of process upon the Defendant; upon the ore tenus testimony of witnesses on behalf of the Plaintiff, regularly taken after proper and legal notice and filed in accordance with law;

Upon consideration whereof the Court finds from the evidence, independent of any admissions of the parties in pleadings or otherwise, the following facts:

1. The parties were married on the \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year) in the City/County of \_\_\_\_\_, State of \_\_\_\_\_;
2. There are no children born or adopted of this marriage that are under the age of 18 years;
3. Plaintiff (or Defendant if only true for the Defendant) is and has been an actual bona fide resident and domiciliary of the Commonwealth of Virginia for at least six months immediately before bringing this suit;

4. Both parties are of sound mind, over the age of 18 years, and neither is, or has been, an active duty member of the military service of the United States since the filing of the Complaint in this case;

5. The Plaintiff's social security number is (See Private Addendum), and the Defendant's social security number is (See Private Addendum); *(please place social security numbers in the Separate Addendum – see FORM 6. DO NOT PLACE ANY PARTY'S FULL SOCIAL SECURITY NUMBER ON THIS ORDER!!!! USE THE PRIVATE ADDENDUM.)*

6. The parties have lived separate and apart without cohabitation and without interruption for more than six months; to wit: since \_\_\_\_\_ (month) \_\_\_\_\_ (day, if you do not remember the exact day, use the last day of the month you just listed), \_\_\_\_\_ (year);

7. The Plaintiff/Defendant (*choose one based upon the allegations in the complaint and evidence produced*) formed the intent to remain permanently separate and apart on (day) \_\_\_\_\_ (month), \_\_\_\_\_ (year);

8. There is no hope or possibility of reconciliation between the parties;

9. The parties have entered into a Separation Agreement dated \_\_\_\_\_ (day) \_\_\_\_\_ (month), \_\_\_\_\_ (year) which settled all rights and obligations arising out of the marital relationship; and

10. This Court has jurisdiction to hear and determine the issues in this suit; it is therefore,

**ADJUDGED, ORDERED, and DECREED** that the Plaintiff be and is hereby granted a divorce *a vinculo matrimonii* from the Defendant on the ground that the parties have lived separate and apart without any cohabitation and without interruption for more than six months, to wit: since \_\_\_\_\_ (month) \_\_\_\_\_ (day, if you do not remember the exact day, use the last day of the month you just listed), \_\_\_\_\_ (year); and it is further

**ADJUDGED, ORDERED and DECREED** that the Separation Agreement dated \_\_\_\_\_ (month) \_\_\_\_\_ (day), \_\_\_\_\_ (year), be and the same is hereby affirmed, ratified and incorporated, but not merged herein;

And nothing further remaining to be done herein, it is **ORDERED** that this cause is stricken from the docket and the papers placed among the ended cases.

**ENTERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Judge

Fairfax County Circuit Court

I ASK FOR THIS:

\_\_\_\_\_ (your signature)

Plaintiff, *pro se*

(Type your name)

(Type your address)

(Type your phone number)

\_\_\_\_\_ (Defendant's signature)

Defendant, *pro se*

*(Defendant's signature is required unless notice of the presentation of this Final Decree of Divorce "FDD" to the court for entry has been given or waived as provided by law. The Defendant's signature is not required if (a) he/she signed a Waiver or Acceptance of Service and has not filed an Answer, (b) he/she was served by publication and has not entered an appearance, or (c) the Defendant has executed and filed a Waiver of Notice. If none of these apply and the Defendant does not sign the FDD, use "Form 6" in this packet to put the case on a Motion's Day docket for entry of the FDD. You must then serve a notice on the Defendant of the date and time of the presentation of the proposed FDD along with a copy of the proposed decree.)*

(FORM 5 B—One Year Separation, No Spousal Support, and No Child Support)

\*\*\* THIS IS A SAMPLE ONLY AND NOT TO BE USED AS A FILL IN THE BLANK FORM. DO NOT retype the language in the parenthesis ( ) when you retype this form. The information in each paragraph needs to be changed as necessary for your particular case. This form is NOT intended to be legal advice and should NOT be relied upon as such. You are encouraged to consult an attorney. This sample form is for cases where there is no fault, no contest, at least a 12 month separation, with or without a Separation Agreement (“SA,” which is a written agreement that the parties have separated, and if there is property to be divided, the parties’ agreement regarding the division), NO child custody or child support and NO spousal support . \*\*\*

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

\_\_\_\_\_ (full name) )  
Plaintiff )  
 )  
v. ) CL No. \_\_\_\_\_  
 )  
\_\_\_\_\_ (full name) )  
Defendant )

FINAL DECREE OF DIVORCE

This cause, which has been regularly docketed, matured and set for hearing as to the Plaintiff, came on this day, upon proof of proper and legal service of process upon the Defendant; upon the ore tenus testimony of witnesses on behalf of the Plaintiff, regularly taken after proper and legal notice and filed in accordance with law;

Upon consideration whereof the Court finds from the evidence, independently of any admissions of the parties in pleadings or otherwise, the following facts:

1. The parties were lawfully married on the \_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year) in the City/County of \_\_\_\_\_, State of \_\_\_\_\_;

2(a). There is/are \_\_\_\_ (number) child[ren] was/were born of the marriage, namely: \_\_\_\_\_; (list all children’s names and their ages).

2(b). There are no children born or adopted of this marriage under the age of 18 years;

***(Choose either (a) OR (b) – NOT BOTH. Renumber as #2.)***

3. Plaintiff *(or Defendant if only true for the Defendant)* is and has been an actual bona fide resident and domiciliary of the Commonwealth of Virginia for at least six months immediately before bringing this suit;

4. Both parties are of sound mind, over the age of 18 years, and neither is, or has been, an active duty member of the military service of the United States since the filing of the Complaint in this case;

5. The Plaintiff's social security number is (See Private Addendum), and the Defendant's social security number is (See Private Addendum); *(please place social security numbers in the Separate Addendum – see FORM 6. DO NOT PLACE ANY PARTY'S FULL SOCIAL SECURITY NUMBER ON THIS ORDER!!!! USE THE PRIVATE ADDENDUM.)*

6. The parties have lived separate and apart without any cohabitation and without interruption for more than one year; to wit: since \_\_\_\_\_ *(month)* \_\_\_\_\_ *(day, if you do not remember the exact day, use the last day of the month you just listed)*, \_\_\_\_\_ *(year)*;

7. The Plaintiff/Defendant *(choose one based upon the allegations in the complaint and evidence produced)* formed the intent to remain permanently separate and apart on *(day)* \_\_\_\_\_ *(month)*, \_\_\_\_\_ *(year)*;

8. There is no hope or possibility of reconciliation between the parties; and

9. The parties have entered into a Separation Agreement dated \_\_\_\_\_ *(day)* \_\_\_\_\_ *(month)*, \_\_\_\_\_ *(year)*; it is therefore, *(If you do not have a SA, delete this paragraph)*

**ADJUDGED, ORDERED, and DECREED** that the Plaintiff is hereby granted a divorce, *a vinculo matrimonii* from the Defendant on the ground that the parties have lived separate and apart without any cohabitation and without interruption for more than one year, to wit: since \_\_\_\_\_ *(month)* \_\_\_\_\_ *(day, if you do not remember the exact day, use the last day of the month you just listed)*, \_\_\_\_\_ *(year)*; and it is further

**ADJUDGED, ORDERED and DECREED** that the Separation Agreement dated \_\_\_\_\_(month)\_\_\_\_\_(day), \_\_\_\_\_(year), be and the same is hereby affirmed, ratified and incorporated, but not merged herein;  
(If you do not have a SA, delete this paragraph)

And nothing further remaining to be done herein, it is **ORDERED** that this cause is stricken from the docket and the papers placed among the ended cases.

**ENTERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Judge  
Fairfax County Circuit Court

I ASK FOR THIS:

\_\_\_\_\_ (your signature)

Plaintiff, *pro se*

(Type your name)

(Type your address)

(Type your phone number)

\_\_\_\_\_ (Defendant's signature)

Defendant, *pro se*

(Defendant's signature is required unless notice of the presentation of this Final Decree of Divorce "FDD" to the court for entry has been given or waived as provided by law.

The Defendant's signature is not required if (a) he/she signed a Waiver or Acceptance of Service and has not filed an Answer, (b) he/she was served by publication and has not entered an appearance, or (c) the Defendant has executed and filed a Waiver of Notice. If

*none of these apply and the Defendant does not sign the FDD, use “Form 6” in this packet to put the case on a Motion’s Day docket for entry of the FDD. You must then serve a notice on the Defendant of the date and time of the presentation of the proposed FDD along with a copy of the proposed decree.)*

**(FORM 5 C—Six Month Separation with Separation Agreement Containing  
Spousal Support)**

**\*\*\* THIS IS A SAMPLE ONLY AND NOT TO BE USED AS A FILL IN THE BLANK FORM. DO NOT retype the language in the parenthesis ( ) when you retype this form. The information in each paragraph needs to be changed as necessary for your particular case. This form is NOT intended to be legal advice and should NOT be relied upon as such. You are encouraged to consult an attorney. This sample form is for cases where there is no fault, no contest, at least a six month separation, with a Separation Agreement (“SA,” which is a written agreement that the parties have separated, and if there is property to be divided, the parties’ agreement regarding the division) that includes spousal support and NO minor children. \*\*\***

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE 19<sup>th</sup> JUDICIAL CIRCUIT**

_____	)	
<b>Plaintiff</b>	)	
	)	
v.	)	CL No. _____
	)	
_____	)	
<b>Defendant</b>	)	

**FINAL DECREE OF DIVORCE**

This cause, which has been regularly docketed, matured and set for hearing as to the Plaintiff, came on this day, upon proof of proper and legal service of process upon the Defendant; upon the ore tenus testimony of witnesses on behalf of the Plaintiff, regularly taken after proper and legal notice and filed in accordance with law;

Upon consideration whereof the Court finds from the evidence, independent of any admissions of the parties in pleadings or otherwise, the following facts:

1. The parties were married on the \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year) in the City/County of \_\_\_\_\_, State of \_\_\_\_\_;
2. There are no children born or adopted of this marriage that are under the age of 18 years;

3. Plaintiff (or Defendant if only true for the Defendant) is and has been an actual bona fide resident and domiciliary of the

Commonwealth of Virginia for at least six months immediately before bringing this suit;

4. Both parties are of sound mind, over the age of 18 years, and neither is, or has been, an active duty member of the military service of the United States since the filing of the Complaint in this case;

5. The Plaintiff's social security number is (See Private Addendum), and the Defendant's social security number is (See Private Addendum); *(please place social security numbers in the Separate Addendum – see FORM 6.. DO NOT PLACE ANY PARTY'S FULL SOCIAL SECURITY NUMBER ON THIS ORDER!!!! USE THE PRIVATE ADDENDUM.)*

6. The parties have lived separate and apart without cohabitation and without interruption for more than six months; to wit: since \_\_\_\_\_ (month) \_\_\_\_\_ (day, if you do not remember the exact day, use the last day of the month you just listed), \_\_\_\_\_ (year);

7. The Plaintiff/Defendant (choose one based upon the allegations in the complaint and evidence produced) formed the intent to remain permanently separate and apart on (day) \_\_\_\_\_ (month), \_\_\_\_\_ (year);

8. There is no hope or possibility of reconciliation between the parties;

9. The parties have entered into a Separation Agreement dated \_\_\_\_\_ (day) \_\_\_\_\_ (month), \_\_\_\_\_ (year) which settled all rights and obligations arising out of the marital relationship; and

10. This Court has jurisdiction to hear and determine the issues in this suit; it is therefore,

**ADJUDGED, ORDERED, and DECREED** that the Plaintiff be and is hereby granted a divorce *a vinculo matrimonii* from the Defendant on the ground that the parties have lived separate and apart without any cohabitation and without interruption for more than six months, to wit: since \_\_\_\_\_ (month) \_\_\_\_\_ (day, if you do not remember the exact day, use the last day of the month you just listed), \_\_\_\_\_ (year); and it is further

**ADJUDGED, ORDERED and DECREED** that the Separation Agreement dated \_\_\_\_\_(month)\_\_\_\_\_(day), \_\_\_\_\_(year), be and the same is hereby affirmed, ratified and incorporated, but not merged herein; and it is further,

**ADJUDGED, ORDERED and DECREED** that in accordance with the provisions of Section 20-107.1(H) of the 1950 Code of Virginia, as amended, the following information is provided:

1. The following information is provided for the parties:

**Plaintiff**

Name: \_\_\_\_\_

Residential Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Last Four Digits of Soc. Sec. No.: \_\_\_\_\_

Full Soc. Sec. No.: See Privacy Addendum

*(Do NOT list any party's full SSN in this form – place such in the Separate Addendum)*

Employer: \_\_\_\_\_

Employer's Address: \_\_\_\_\_

Work Phone No.: \_\_\_\_\_

Driver License No.: \_\_\_\_\_

**Defendant**

Name: \_\_\_\_\_

Residential Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Last Four Digits of Soc. Sec. No.: \_\_\_\_\_

Full Soc. Sec. No.: See Privacy Addendum

*(Do NOT list any party's full SSN in this form – place such in the Separate Addendum)*

Employer: \_\_\_\_\_

Employer's Address: \_\_\_\_\_

Work Phone No.: \_\_\_\_\_

Driver License No.: \_\_\_\_\_

2. The \_\_\_\_\_ (*Plaintiff/Defendant – choose only one*), \_\_\_\_\_, (*full name of person paying support*) is ordered to pay spousal support in the monthly amount of \$\_\_\_\_\_ (*dollar amount of how much support will be paid each month*) per month to the \_\_\_\_\_ (*Plaintiff/Defendant – choose only one*), due on or before the \_\_\_\_ day of every month, commencing on \_\_\_\_\_ (*month*) \_\_\_\_\_ (*day*) \_\_\_\_\_ (*year*) (*date payment starts*) and continuing until the earliest to occur of: (i) the death of either party; (ii) the remarriage of the recipient; (iii) the cohabitation of the recipient with another person, as defined in § 20-109.A, Virginia Code; or (iv) until further order of this Court.

3. Health care coverage (a) is **not** required by this Order for a spouse or former spouse; OR (b) shall be provided by \_\_\_\_\_ (*name of party providing health insurance*) for the spouse or former spouse, \_\_\_\_\_, (*name*).

**(Choose either (a) OR (b).)**

4(a). No spousal support arrearages exist as of the date of this Order. (***If arrearages presently exist, they will be deemed to be forever waived.***) At any time that support arrearages should exist, all payments made are to be credited to current support obligations first, with any payment in excess of the current obligation applied to the arrearage.

4(b). The \_\_\_\_\_ (*Plaintiff/Defendant – choose only one*), \_\_\_\_\_, (*full name of person paying support*) owes spousal support arrearages to the \_\_\_\_\_ (*Plaintiff/Defendant – choose only one*), in the total amount of \$\_\_\_\_\_ (*total dollar amount of arrearages*) for the period between \_\_\_\_\_ (*start of time period for which arrearage is calculated*) and \_\_\_\_\_ (*end of time period for which arrearage is calculated*). At any time that support arrearages should exist, all payments made are to be credited to current support obligations first, with any payment in excess of the current obligation applied to the arrearage.

**(Choose either (a) OR (b)—NOT BOTH. Renumber as #4.)**

5. Notice is hereby given that the parties shall give each other and the court at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change; and

6. Notice is hereby given that in determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.

And nothing further remaining to be done herein, it is **ORDERED** that this cause is stricken from the docket and the papers placed among the ended cases.

**ENTERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Judge

Fairfax County Circuit Court

I ASK FOR THIS:

\_\_\_\_\_ (your signature)

Plaintiff, *pro se*

(Type your name)

(Type your address)

(Type your phone number)

\_\_\_\_\_ (Defendant's signature)

Defendant, *pro se*

*(Defendant's signature is required unless notice of the presentation of this Final Decree of Divorce "FDD" to the court for entry has been given or waived as provided by law. The Defendant's signature is not required if (a) he/she signed a Waiver or Acceptance of Service and has not filed an Answer, (b) he/she was served by publication and has not entered an appearance, or (c) the Defendant has executed and filed a Waiver of Notice. If none of these apply and the Defendant does not sign the FDD, use "Form 6" in this*

*packet to put the case on a Motion's Day docket for entry of the FDD. You must then serve a notice on the Defendant of the date and time of the presentation of the proposed FDD along with a copy of the proposed decree.)*

(FORM 5 D—One Year Separation, Separation Agreement, and Spousal Support)

\*\*\* THIS IS A SAMPLE ONLY AND NOT TO BE USED AS A FILL IN THE BLANK FORM. DO NOT retype the language in the parenthesis ( ) when you retype this form. The information in each paragraph needs to be changed as necessary for your particular case. This form is NOT intended to be legal advice and should NOT be relied upon as such. You are encouraged to consult an attorney. This sample form is for cases where there is no fault, no contest, at least a 12 month separation, a Separation Agreement (“SA,” which is a written agreement that the parties have separated, and if there is property to be divided, the parties’ agreement regarding the division), spousal support and NO child custody or child support. \*\* \*

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

\_\_\_\_\_ (full name) )  
Plaintiff )  
 )  
v. ) CL No. \_\_\_\_\_  
 )  
\_\_\_\_\_ (full name) )  
Defendant )

FINAL DECREE OF DIVORCE

This cause, which has been regularly docketed, matured and set for hearing as to the Plaintiff, came on this day, upon proof of proper and legal service of process upon the Defendant; upon the ore tenus testimony of witnesses on behalf of the Plaintiff, regularly taken after proper and legal notice and filed in accordance with law;

Upon consideration whereof the Court finds from the evidence, independently of any admissions of the parties in pleadings or otherwise, the following facts:

1. The parties were lawfully married on the \_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year) in the City/County of \_\_\_\_\_, State of \_\_\_\_\_;

2(a). There is/are \_\_\_\_ (number) child[ren] was/were born of the marriage, namely: \_\_\_\_\_; (list all children’s names and their ages).

2(b). There are no children born or adopted of this marriage under the age of 18 years;

**(Choose either (a) OR (b) – NOT BOTH. Renumber as #2.)**

3. Plaintiff (or Defendant if only true for the Defendant) is and has been an actual bona fide resident and domiciliary of the Commonwealth of Virginia for at least six months immediately before bringing this suit;

4. Both parties are of sound mind, over the age of 18 years, and neither is, or has been, an active duty member of the military service of the United States since the filing of the Complaint in this case;

5. The Plaintiff's social security number is (See Private Addendum), and the Defendant's social security number is (See Private Addendum); *(please place social security numbers in the Separate Addendum – see FORM 6. DO NOT PLACE ANY PARTY'S FULL SOCIAL SECURITY NUMBER ON THIS ORDER!!!! USE THE PRIVATE ADDENDUM.)*

6. The parties have lived separate and apart without any cohabitation and without interruption for more than one year; to wit: since \_\_\_\_\_ (month) \_\_\_\_\_ (day, if you do not remember the exact day, use the last day of the month you just listed), \_\_\_\_\_ (year);

7. The Plaintiff/Defendant (choose one based upon the allegations in the complaint and evidence produced) formed the intent to remain permanently separate and apart on (day) \_\_\_\_\_ (month), \_\_\_\_\_ (year);

8. There is no hope or possibility of reconciliation between the parties; and

9. The parties have entered into a Separation Agreement dated \_\_\_\_\_ (day) \_\_\_\_\_ (month), \_\_\_\_\_ (year); it is therefore,

**ADJUDGED, ORDERED, and DECREED** that the Plaintiff is hereby granted a divorce, *a vinculo matrimonii* from the Defendant on the ground that the parties have lived separate and apart without any cohabitation and without interruption for more than one year, to wit: since \_\_\_\_\_ (month) \_\_\_\_\_ (day, if you do not remember the exact day, use the last day of the month you just listed), \_\_\_\_\_ (year); and it is further

**ADJUDGED, ORDERED and DECREED** that the Separation Agreement dated \_\_\_\_\_(month)\_\_\_\_\_(day), \_\_\_\_\_(year), be and hereby is affirmed, ratified and incorporated, but not merged herein; and it is further

**ADJUDGED, ORDERED and DECREED** that in accordance with the provisions of Section 20-107.1(H) of the 1950 Code of Virginia, as amended, the following information is provided:

1. The following information is provided for the parties:

**Plaintiff**

Name: \_\_\_\_\_

Residential Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Last Four Digits of Soc. Sec. No.: \_\_\_\_\_

Full Soc. Sec. No.: See Privacy Addendum

*(Do NOT list any party's full SSN in this form – place such in the Separate Addendum)*

Employer: \_\_\_\_\_

Employer's Address: \_\_\_\_\_

Work Phone No.: \_\_\_\_\_

Driver License No.: \_\_\_\_\_

**Defendant**

Name: \_\_\_\_\_

Residential Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Last Four Digits of Soc. Sec. No.: \_\_\_\_\_

Full Soc. Sec. No.: See Privacy Addendum

*(Do NOT list any party's full SSN in this form – place such in the Separate Addendum)*

Employer: \_\_\_\_\_

Employer's Address: \_\_\_\_\_

Work Phone No.: \_\_\_\_\_

Driver License No.: \_\_\_\_\_

2. The \_\_\_\_\_ (*Plaintiff/Defendant – choose only one*), \_\_\_\_\_, (*full name of person paying support*) is ordered to pay spousal support in the monthly amount of \$\_\_\_\_\_ (*dollar amount of how much support will be paid each month*) to the \_\_\_\_\_ (*Plaintiff/Defendant – choose only one*), due on or before the \_\_\_\_ day of every month, commencing on \_\_\_\_\_ (*month*) \_\_\_\_\_ (*day*) \_\_\_\_\_ (*year*) (*date payment starts*) and continuing until the earliest to occur of: (i) the death of either party; (ii) the remarriage of the recipient; (iii) the cohabitation of the recipient with another person, as defined in § 20-109.A, Virginia Code; or (iv) until further order of this Court.

3. Health care coverage (a) is **not** required by this Order for a spouse or former spouse; OR (b) shall be provided by \_\_\_\_\_ (*name of party providing health insurance*) for the spouse or former spouse, \_\_\_\_\_, (*name*).

**(Choose either (a) OR (b).)**

4(a). No spousal support arrearages exist as of the date of this Order. **(If arrearages presently exist, they will be deemed to be forever waived.)** At any time that support arrearages should exist, all payments made are to be credited to current support obligations first, with any payment in excess of the current obligation applied to the arrearage.

4(b). The \_\_\_\_\_ (*Plaintiff/Defendant – choose only one*), \_\_\_\_\_, (*full name of person paying support*) owes spousal support arrearages to the \_\_\_\_\_ (*Plaintiff/Defendant – choose only one*), in the total amount of \$\_\_\_\_\_ (*total dollar amount of arrearages*) for the period between \_\_\_\_\_ (*start of time period for which arrearage is calculated*) and \_\_\_\_\_ (*end of time period for which arrearage is calculated*). At any time that support arrearages should exist, all payments made are to be credited to current support obligations first, with any payment in excess of the current obligation applied to the arrearage.

**(Choose either (a) OR (b)—NOT BOTH. Renumber as #4.)**

5. Notice is hereby given that the parties shall give each other and the court at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change; and

6. Notice is hereby given that in determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.

And nothing further remaining to be done herein, it is **ORDERED** that this cause is stricken from the docket and the papers placed among the ended cases.

**ENTERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Judge

Fairfax County Circuit Court

I ASK FOR THIS:

\_\_\_\_\_ (*your signature*)

Plaintiff, *pro se*

(*Type your name*)

(*Type your address*)

(*Type your phone number*)

\_\_\_\_\_ (*Defendant's signature*)

Defendant, *pro se*

(*Defendant's signature is required unless notice of the presentation of this Final Decree of Divorce "FDD" to the court for entry has been given or waived as provided by law.*

*The Defendant's signature is not required if (a) he/she signed a Waiver or Acceptance of Service and has not filed an Answer, (b) he/she was served by publication and has not*

*entered an appearance, or (c) the Defendant has executed and filed a Waiver of Notice. If none of these apply and the Defendant does not sign the FDD, use "Form 6" in this packet to put the case on a Motion's Day docket for entry of the FDD. You must then serve a notice on the Defendant of the date and time of the presentation of the proposed FDD along with a copy of the proposed decree.)*

**(FORM 5 E—One Year Separation, Separation Agreement and Child  
Custody/Support but No Spousal Support)**

**\*\*\* THIS IS A SAMPLE ONLY AND NOT TO BE USED AS A FILL IN THE  
BLANK FORM. DO NOT retype the language in the parenthesis ( ) when you  
retype this form. The information in each paragraph needs to be changed as  
necessary for your particular case. This form is NOT intended to be legal advice and  
should NOT be relied upon as such. You are encouraged to consult an attorney.  
This sample form is for cases where there is no fault, no contest, at least a 12 month  
separation, a Separation Agreement (“SA,” which is a written agreement that the  
parties have separated, and if there is property to be divided, the parties’ agreement  
regarding the division), child custody or child support and NO spousal support . \*\*  
\***

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

_____	)	
<b>Plaintiff</b>	)	
	)	
<b>v.</b>	)	<b>CL No.</b> _____
	)	
_____	)	
<b>Defendant</b>	)	

**FINAL DECREE OF DIVORCE**

This cause, which has been regularly docketed, matured and set for hearing as to the Plaintiff, came on this day, upon proof of proper and legal service of process upon the Defendant; upon the ore tenus testimony of witnesses on behalf of the Plaintiff, regularly taken after proper and legal notice and filed in accordance with law;

Upon consideration whereof the Court finds from the evidence, independently of any admissions of the parties in pleadings or otherwise, the following facts:

1. The parties were lawfully married on the \_\_\_\_ day of \_\_\_\_\_ (*month*), \_\_\_\_\_ (*year*) in the City/County of \_\_\_\_\_, State of \_\_\_\_\_;

2(a). There is/are \_\_\_\_ (*number*) child[ren] was/were born of the marriage, namely: \_\_\_\_\_; (*list all children’s names and their ages*).

2(b). There are no children born or adopted of this marriage under the age of 18 years;

**(Choose either (a) OR (b) – NOT BOTH. Renumber as #2.)**

3. Plaintiff (or Defendant if only true for the Defendant) is and has been an actual bona fide resident and domiciliary of the Commonwealth of Virginia for at least six months immediately before bringing this suit;

4. Both parties are of sound mind, over the age of 18 years, and neither is, or has been, an active duty member of the military service of the United States since the filing of the Complaint in this case;

5. The Plaintiff's social security number is (See Private Addendum), and the Defendant's social security number is (See Private Addendum); *(please place social security numbers in the Separate Addendum – see FORM 6. DO NOT PLACE ANY PARTY'S FULL SOCIAL SECURITY NUMBER ON THIS ORDER!!!! USE THE PRIVATE ADDENDUM.)*

6. The parties have lived separate and apart without any cohabitation and without interruption for more than one year; to wit: since \_\_\_\_\_ (month) \_\_\_\_\_ (day, if you do not remember the exact day, use the last day of the month you just listed), \_\_\_\_\_ (year);

7. The Plaintiff/Defendant (choose one based upon the allegations in the complaint and evidence produced) formed the intent to remain permanently separate and apart on (day) \_\_\_\_\_ (month), \_\_\_\_\_ (year);

8. There is no hope or possibility of reconciliation between the parties; and

9. The parties have entered into a Separation Agreement dated \_\_\_\_\_ (day) \_\_\_\_\_ (month), \_\_\_\_\_ (year); it is therefore,

**ADJUDGED, ORDERED, and DECREED** that the Plaintiff is hereby granted a divorce, *a vinculo matrimonii* from the Defendant on the ground that the parties have lived separate and apart without any cohabitation and without interruption for more than one year, to wit: since \_\_\_\_\_ (month) \_\_\_\_\_ (day, if you do not remember the exact day, use the last day of the month you just listed), \_\_\_\_\_ (year); and it is further

**ADJUDGED, ORDERED and DECREED** that the Separation Agreement dated \_\_\_\_\_(month)\_\_\_\_\_(day), \_\_\_\_\_(year), be and the same is hereby affirmed, ratified and incorporated, but not merged herein; and it is further

**ADJUDGED, ORDERED and DECREED** that in accordance with the provisions of Section 20.124.5 of the 1950 Code of Virginia, as amended:

1. Custody and Visitation: \_\_\_\_\_

\_\_\_\_\_ (*insert terms of the custody agreement*);

2. Either party who intends to relocate his or her residence shall give thirty (30) days advance written notice of any such intended relocation and of any intended change of address, said notice being given to both the other party and to this Court; and it is further

**ADJUDGED, ORDERED and DECREED** that in accordance with the provisions of Section 20.60.3 of the 1950 Code of Virginia, as amended, the following information is provided:

1. Notice is hereby given that support payments may be withheld as they become due pursuant to Section 20-79.1 or Section 20-79.2 of the 1950 Code of Virginia, as amended, from income as defined in Section 63.2-1900 of the 1950 Code of Virginia, as amended, without further amendments of this Order and Decree or having to file an application for services with the Department of Social Services;

2. Notice is hereby given that support payments may be withheld pursuant to Chapter 19 (Section 63.2-1900, *et seq.*) of Title 63.2 of the 1950 Code of Virginia, as amended, without further amendments to this Order and Decree upon application for services with the Department of Social Services;

3. A duty of support is owed to: \_\_\_\_\_ (*list the name, date of birth and last four digits of the social security number of each child for whom a duty of support exists*). The party responsible for paying support is: \_\_\_\_\_ (*give name of party who will be paying the support, the Plaintiff and/or the Defendant*);

4. The following information is provided for the parties:

**Plaintiff**

Name: \_\_\_\_\_

Residential Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Last Four Digits of Soc. Sec. No.: \_\_\_\_\_

Employer: \_\_\_\_\_

Employer's Address: \_\_\_\_\_

Work Phone No.: \_\_\_\_\_

Driver License No.: \_\_\_\_\_

Full Soc. Sec. No.: See Privacy Addendum

*(Do NOT list any party's full SSN in this form – place such in the Separate Addendum)*

**Defendant**

Name: \_\_\_\_\_

Residential Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Last Four Digits of Soc. Sec. No.: \_\_\_\_\_

Employer: \_\_\_\_\_

Employer's Address: \_\_\_\_\_

Work Phone No.: \_\_\_\_\_

Driver License No.: \_\_\_\_\_

Full Soc. Sec. No.: See Privacy Addendum

*(Do NOT list any party's full SSN in this form – place such in the Separate Addendum)*

5. Pursuant to 20-124.2, support shall continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support until such child reaches the age of 19 or graduates from high school, whichever occurs first, and that the court may also order the continuation of support for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, (b) unable to live

independently and support himself, and (c) residing in the home of the parent seeking or receiving child support.

6. Notice is hereby given that a petition may be filed for the suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business, occupation or recreational activity issued by the Commonwealth of Virginia to a parent upon a delinquency for a period of ninety (90) days or more or in the amount of \$5,000.00 or more. The following party(ies) hold(s) the following license(s):

\_\_\_\_\_ (list any license(s) either party may hold or if neither party holds a license, clearly state so in the paragraph above).

7. The \_\_\_\_\_ (Plaintiff or Defendant – choose person paying support), \_\_\_\_\_, (full name of person paying support) is ordered to pay child support in the monthly amount of \$ \_\_\_\_\_ (dollar amount how much support will be paid each month) on behalf of \_\_\_\_\_ (give name(s) of child(ren) support is paid for) to the \_\_\_\_\_ (Plaintiff or Defendant – choose only one), due on or before the \_\_\_\_ day of every month, commencing on \_\_\_\_\_ (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) (date payment starts) and continuing until the earliest to occur of: (i) the death of either party, (ii) the child reaches the age of 18 (unless a provision of paragraph 5 above governs), or (iii) further order of this Court;

8. The Order of this Court as to health care coverage for each child is as follows: (List any agreement you may have as to health care for the children from your SA or, if true, a written statement that health care coverage cannot be obtained at a reasonable cost). The \_\_\_\_\_ (Plaintiff/Defendant – choose only one) is to provide at \_\_\_\_\_ (his/her – choose only one) expense adequate health insurance for the benefit of \_\_\_\_\_ (list name of the child(ren) to be covered by insurance). Such coverage is to be provided through \_\_\_\_\_ (name of insurance company) (a) under privately obtained policy, number \_\_\_\_\_ (insert the policy number) OR (b) the \_\_\_\_\_ (Plaintiff's/Defendant's – choose only one), employment with \_\_\_\_\_ (name of Employer). (Choose either (a) or (b).) In addition, unreimbursed medical expenses in excess of \$250 per minor child for any calendar year are to be paid (i) directly to the health care provider(s) in the following ratio \_\_\_\_\_

\_\_\_\_\_ (list any agreement set forth in your SA) OR (ii) reimbursed to a party as follows:

\_\_\_\_\_  
\_\_\_\_\_ (list any agreement set forth in your SA).

(Choose either (i) or (ii).)

9(a). No child support arrearages exist as of the date of this Order. (***If arrearages presently exist, they will be deemed to be forever waived.***) At any time that support arrearages should exist, all payments made are to be credited to current support obligations first, with any payment in excess of the current obligation applied to the arrearage.

9(b). The \_\_\_\_\_ (Plaintiff/Defendant – choose only one), \_\_\_\_\_, (full name of person paying support) owes child support arrearages to \_\_\_\_\_ (name of the party to whom child support is paid), in the total amount of \$\_\_\_\_\_ (total dollar amount of arrearages) for the period between \_\_\_\_\_ (start of time period for which arrearage is calculated) and \_\_\_\_\_ (end of time period for which arrearage is calculated). At any time that support arrearages should exist, all payments made are to be credited to current support obligations first, with any payment in excess of the current obligation applied to the arrearage.

**(Choose either (a) OR (b)—NOT BOTH. Renumber as #9.)**

10. If at any time child support payments are ordered to be paid through the Department of Social Services or directly to \_\_\_\_\_ (name of the party to whom child support is paid), and unless the Court for good cause shown orders otherwise, the parties shall give each other and the Court, and, when payments are to be made through the Department, the Department of Social Services at least thirty (30) days' written notice, in advance, of any change of address and any change of telephone number within thirty (30) days after the change.

11. If at any time child support payments are ordered to be paid through the Department of Social Services, \_\_\_\_\_ (name of party paying support) shall keep the Department of Social Services informed of the name, address and telephone number of \_\_\_\_ (his or her – choose only one) current employer, or if at any time payments are ordered to be paid directly to \_\_\_\_\_ (name of party

to whom support is paid), \_\_\_\_\_ (name of party paying support) shall keep the Court informed of the name, address and telephone number of \_\_\_\_ (his or her – choose only one) current employer;

12. If child support payments are ordered to be paid through the Department of Social Services, the party obligated to provide health care coverage shall keep the Department of Social Services informed of any changes in the availability of the health care coverage for the minor child or children, or if payments are ordered to be paid directly to the obligee, the party obligated to provide health care coverage shall keep the other party informed of any changes in the availability of the health care coverage for the minor child or children.

13. The separate amounts due to each person under this Order for child and/or spousal support, are set forth in Paragraph 7 of this Order;

14. Notice is hereby given that in determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law. Pursuant to 20-78.2 interest shall accrue on the arrearage at the judgment rate as established by 6.1-330.54 unless the obligee, in a writing submitted to the court, waives the collection of interest.

15. Notice is hereby given that on and after July 1, 1994, the Department of Social Services may, pursuant to Chapter 19 of Title 63.2 of the 1950 Code of Virginia, as amended, and in accordance with Section 20-108.2 and Section 63.2-1921 of the 1950 Code of Virginia, as amended, initiate a review of the amount of support ordered by any Court.

16. If any arrearages for child support, including interest or fees, exist at the time the youngest child included in the order emancipates, payments shall continue in the total amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid.

17. Notice is hereby given that, in cases enforced by the Department of Social Services, the Department of Motor Vehicles may suspend or refuse to renew the driver's license of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or in an amount of

\$5,000 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings.

And nothing further remaining to be done herein, it is **ORDERED** that this cause is stricken from the docket and the papers placed among the ended cases.

**ENTERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Judge

Fairfax County Circuit Court

I ASK FOR THIS:

\_\_\_\_\_ (your signature)

Plaintiff, *pro se*

(Type your name)

(Type your address)

(Type your phone number)

\_\_\_\_\_ (Defendant's signature)

Defendant, *pro se*

*(Defendant's signature is required unless notice of the presentation of this Final Decree of Divorce "FDD" to the court for entry has been given or waived as provided by law. The Defendant's signature is not required if (a) he/she signed a Waiver or Acceptance of Service and has not filed an Answer, (b) he/she was served by publication and has not entered an appearance, or (c) the Defendant has executed and filed a Waiver of Notice. If none of these apply and the Defendant does not sign the FDD, use "Form 6" in this packet to put the case on a Motion's Day docket for entry of the FDD. You must then serve a notice on the Defendant of the date and time of the presentation of the proposed FDD along with a copy of the proposed decree.)*

**(FORM 5 F—One Year Separation, Separation Agreement, Child Custody/Support,  
and Spousal Support)**

**\*\*\* THIS IS A SAMPLE ONLY AND NOT TO BE USED AS A FILL IN THE BLANK FORM. DO NOT retype the language in the parenthesis ( ) when you retype this form. The information in each paragraph needs to be changed as necessary for your particular case. This form is NOT intended to be legal advice and should NOT be relied upon as such. You are encouraged to consult an attorney. This sample form is for cases where there is no fault, no contest, at least a 12 month separation, a Separation Agreement (“SA,” which is a written agreement that the parties have separated, and if there is property to be divided, the parties’ agreement regarding the division), child custody and child support and spousal support. \*\*\***

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

_____ (full name)	)	
<b>Plaintiff</b>	)	
	)	
<b>v.</b>	)	<b>CL No.</b> _____
	)	
_____ (full name)	)	
<b>Defendant</b>	)	

**FINAL DECREE OF DIVORCE**

This cause, which has been regularly docketed, matured and set for hearing as to the Plaintiff, came on this day, upon proof of proper and legal service of process upon the Defendant; upon the ore tenus testimony of witnesses on behalf of the Plaintiff, regularly taken after proper and legal notice and filed in accordance with law;

Upon consideration whereof the Court finds from the evidence, independently of any admissions of the parties in pleadings or otherwise, the following facts:

1. The parties were lawfully married on the \_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year) in the City/County of \_\_\_\_\_, State of \_\_\_\_\_;

2(a). There is/are \_\_\_\_ (number) child[ren] was/were born of the marriage, namely: \_\_\_\_\_; (list all children’s names and their ages).

2(b). There are no children born or adopted of this marriage under the age of 18 years;

**(Choose either (a) OR (b) – NOT BOTH. Renumber as #2.)**

3. Plaintiff (or Defendant if only true for the Defendant) is and has been an actual bona fide resident and domiciliary of the Commonwealth of Virginia for at least six months immediately before bringing this suit;

4. Both parties are of sound mind, over the age of 18 years, and neither is, or has been, an active duty member of the military service of the United States since the filing of the Complaint in this case;

5. The Plaintiff's social security number is (See Private Addendum), and the Defendant's social security number is (See Private Addendum); *(please place social security numbers in the Separate Addendum – see FORM 6. DO NOT PLACE ANY PARTY'S FULL SOCIAL SECURITY NUMBER ON THIS ORDER!!!! USE THE PRIVATE ADDENDUM.)*

6. The parties have lived separate and apart without any cohabitation and without interruption for more than one year; to wit: since \_\_\_\_\_ (month) \_\_\_\_\_ (day, if you do not remember the exact day, use the last day of the month you just listed), \_\_\_\_\_ (year);

7. The Plaintiff/Defendant (choose one based upon the allegations in the complaint and evidence produced) formed the intent to remain permanently separate and apart on (day) \_\_\_\_\_ (month), \_\_\_\_\_ (year);

8. There is no hope or possibility of reconciliation between the parties; and

9. The parties have entered into a Separation Agreement dated \_\_\_\_\_ (day) \_\_\_\_\_ (month), \_\_\_\_\_ (year); it is therefore,

**ADJUDGED, ORDERED, and DECREED** that the Plaintiff is hereby granted a divorce, *a vinculo matrimonii* from the Defendant on the ground that the parties have lived separate and apart without any cohabitation and without interruption for more than one year, to wit: since \_\_\_\_\_ (month) \_\_\_\_\_ (day, if you do not remember the exact day, use the last day of the month you just listed), \_\_\_\_\_ (year); and it is further

**ADJUDGED, ORDERED and DECREED** that the Separation Agreement dated \_\_\_\_\_(month)\_\_\_\_\_(day), \_\_\_\_\_(year), be and the same is hereby affirmed, ratified and incorporated, but not merged herein; and it is further

**ADJUDGED, ORDERED and DECREED** that in accordance with the provisions of Section 20.124.5 of the 1950 Code of Virginia, as amended:

1. Custody and Visitation: \_\_\_\_\_

\_\_\_\_\_ (insert terms of the custody agreement);

2. Either party who intends to relocate his or her residence shall give thirty (30) days advance written notice of any such intended relocation and of any intended change of address, said notice being given to both the other party and to this Court; and it is further

**ADJUDGED, ORDERED and DECREED** that in accordance with the provisions of Section 20.60.3 and 20-107.1(H) of the 1950 Code of Virginia, as amended, the following information is provided:

1. Notice is hereby given that support payments may be withheld as they become due pursuant to Section 20-79.1 or Section 20-79.2 of the 1950 Code of Virginia, as amended, from income as defined in Section 63.2-1900 of the 1950 Code of Virginia, as amended, without further amendments of this Order and Decree or having to file an application for services with the Department of Social Services;

2. Notice is hereby given that support payments may be withheld pursuant to Chapter 19 (Section 63.2-1900, *et seq.*) of Title 63.2 of the 1950 Code of Virginia, as amended, without further amendments to this Order and Decree upon application for services with the Department of Social Services;

3. A duty of support is owed to: \_\_\_\_\_ (list the name, date of birth and last four digits of the social security number of each child and/or spouse for whom a duty of support exists). The party responsible for paying support is:

\_\_\_\_\_ (give name of party who will be paying the support, the Plaintiff and/or the Defendant);

4. The following information is provided for the parties:

**Plaintiff**

Name: \_\_\_\_\_

Residential Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Last Four Digits of Soc. Sec. No.: \_\_\_\_\_

Employer: \_\_\_\_\_

Employer's Address: \_\_\_\_\_

Work Phone No.: \_\_\_\_\_

Driver License No.: \_\_\_\_\_

Full Soc. Sec. No.: See Privacy Addendum

*(Do NOT list any party's full SSN in this form – place such in the Separate Addendum)*

**Defendant**

Name: \_\_\_\_\_

Residential Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Last Four Digits of Soc. Sec. No.: \_\_\_\_\_

Employer: \_\_\_\_\_

Employer's Address: \_\_\_\_\_

Work Phone No.: \_\_\_\_\_

Driver License No.: \_\_\_\_\_

Full Soc. Sec. No.: See Privacy Addendum

*(Do NOT list any party's full SSN in this form – place such in the Separate Addendum)*

5. Pursuant to 20-124.2, support shall continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support until such child reaches the age of 19 or graduates from high school, whichever occurs first, and that the court may also order the continuation of support for any child over the age of 18 who is (a)

severely and permanently mentally or physically disabled, (b) unable to live independently and support himself, and (c) residing in the home of the parent seeking or receiving child support.

6. Notice is hereby given that a petition may be filed for the suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business, occupation or recreational activity issued by the Commonwealth of Virginia to a parent upon a delinquency for a period of ninety (90) days or more or in the amount of \$5,000.00 or more. The following party(ies) hold(s) the following license(s):

\_\_\_\_\_ (list any license(s) either party may hold or if neither party holds a license, clearly state so in the paragraph above).

**7. SUPPORT:**

A. CHILD SUPPORT: the \_\_\_\_\_ (Plaintiff or Defendant – choose person paying support), \_\_\_\_\_, (full name of person paying support) is ordered to pay child support in the monthly amount of \$\_\_\_\_\_ (dollar amount how much support will be paid each month) on behalf of \_\_\_\_\_ (give name(s) of child(ren) support is paid for) to the \_\_\_\_\_ (Plaintiff or Defendant – choose only one), due on or before the \_\_\_\_ day of every month, commencing on \_\_\_\_\_(month) \_\_\_\_\_(day)\_\_\_\_\_ (year)(date payment starts) and continuing until the earliest to occur of: (i) the death of either party, (ii) the child reaches the age of 18 (unless a provision of paragraph 5 above governs), or (iii) further order of this Court;

B. SPOUSAL SUPPORT: the \_\_\_\_\_ (Plaintiff/Defendant – choose only one), \_\_\_\_\_, (full name of person paying support) is ordered to pay spousal support in the monthly amount of \$\_\_\_\_\_ (dollar amount of how much support will be paid each month) to the \_\_\_\_\_ (Plaintiff/Defendant – choose only one), due on or before the \_\_\_\_\_ day of every month, commencing on \_\_\_\_\_(month) \_\_\_\_\_ (day)\_\_\_\_\_ (year)(date payment starts) and continuing until the earliest to occur of: (i) the death of either party; (ii) the remarriage of the recipient; (iii) the cohabitation of the recipient with another person, as defined in § 20-109.A, Virginia Code; or (iv) until further order of this Court.

**8. HEALTH CARE COVERAGE:**

A. FOR CHILDREN: the Order of this Court as to health care coverage for each child is as follows: *(List in any agreement you may have as to health care for the children from your SA or, if true, a written statement that health care coverage cannot be obtained at a reasonable cost)*. The \_\_\_\_\_ *(Plaintiff/Defendant – choose only one)* is to provide at \_\_\_\_\_ *(his/her – choose only one)* expense adequate health insurance for the benefit of \_\_\_\_\_ *(list name of the child(ren) to be covered by insurance)*. Such coverage is to be provided through \_\_\_\_\_ *(name of insurance company)* (a) under privately obtained policy, number \_\_\_\_\_ *(insert the policy number)* OR (b) the \_\_\_\_\_ *(Plaintiff's/Defendant's – choose only one)*, employment with \_\_\_\_\_ *(name of Employer)*. *(Choose either (a) or (b).)* In addition, unreimbursed medical expenses in excess of \$250 per minor child for any calendar year are to be paid (i) directly to the health care provider(s) in the following ratio \_\_\_\_\_ *(list any agreement set forth in your SA)* OR (ii) reimbursed to a party as follows: \_\_\_\_\_ *(list any agreement set forth in your SA)*. *(Choose either (i) or (ii).)*

B. FOR SPOUSE OR FORMER SPOUSE: health care coverage (i) is **not** required by this Order for a spouse or former spouse; OR (ii) shall be provided by \_\_\_\_\_ *(name of party providing health insurance)* for the spouse or former spouse, \_\_\_\_\_, *(name)* through \_\_\_\_\_ *(name of insurance company)*. *(Choose either (i) OR (ii).)*

**9. ARREARAGES:**

A. CHILD SUPPORT ARREARAGES: **(i)** No child support arrearages exist as of the date of this Order. ***(If arrearages presently exist, they will be deemed to be forever waived.)*** At any time that support arrearages should exist, all payments made are to be credited to current support obligations first, with any payment in excess of the current obligation applied to the arrearage. **OR (ii)** The \_\_\_\_\_ *(Plaintiff/Defendant – choose only one)*, \_\_\_\_\_, *(full name of person paying support)* owes child support arrearages to \_\_\_\_\_ *(name of the party to whom child support is paid)*, in the total amount of \$ \_\_\_\_\_ *(total dollar amount of arrearages)* for the period between \_\_\_\_\_ *(start of time period for which*

arrearage is calculated) and \_\_\_\_\_ (end of time period for which arrearage is calculated). At any time that support arrearages should exist, all payments made are to be credited to current support obligations first, with any payment in excess of the current obligation applied to the arrearage.

**(Choose either (i) OR (ii)—NOT BOTH.)**

B. SPOUSAL SUPPORT ARREARAGES: (i) No spousal support arrearages exist as of the date of this Order. **(If arrearages presently exist, they will be deemed to be forever waived.)** At any time that support arrearages should exist, all payments made are to be credited to current support obligations first, with any payment in excess of the current obligation applied to the arrearage. **OR (ii)** The \_\_\_\_\_ (Plaintiff/Defendant – choose only one), \_\_\_\_\_, (full name of person paying support) owes spousal support arrearages to the \_\_\_\_\_ (Plaintiff/Defendant – choose only one), in the total amount of \$\_\_\_\_\_ (total dollar amount of arrearages) for the period between \_\_\_\_\_ (start of time period for which arrearage is calculated) and \_\_\_\_\_ (end of time period for which arrearage is calculated). At any time that support arrearages should exist, all payments made are to be credited to current support obligations first, with any payment in excess of the current obligation applied to the arrearage.

**(Choose either (i) OR (ii)—NOT BOTH.)**

10. If at any time child support payments are ordered to be paid through the Department of Social Services or directly to \_\_\_\_\_ (name of party to whom support is paid), and unless the Court for good cause shown orders otherwise, the parties shall give each other and the Court, and, when payments are to be made through the Department, the Department of Social Services at least thirty (30) days' written notice, in advance, of any change of address and any change of telephone number within thirty (30) days after the change.

11. If at any time child support payments are ordered to be paid through the Department of Social Services, \_\_\_\_\_ (name of party paying support) shall keep the Department of Social Services informed of the name, address and telephone number of \_\_\_\_ (his or her – choose only one) current employer, or if at any time payments are ordered to be paid directly to \_\_\_\_\_ (name of party

to whom support is paid), \_\_\_\_\_ (name of party paying support) shall keep the Court informed of the name, address and telephone number of \_\_\_\_ (his or her – choose only one) current employer;

12. If child support payments are ordered to be paid through the Department of Social Services, the party obligated to provide health care coverage shall keep the Department of Social Services informed of any changes in the availability of the health care coverage for the minor child or children, or if payments are ordered to be paid directly to the obligee, the party obligated to provide health care coverage shall keep the other party informed of any changes in the availability of the health care coverage for the minor child or children.

13. The separate amounts due to each person under this Order for child and/or spousal support, are set forth in Paragraph 7 of this Order;

14. Notice is hereby given that in determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law. Pursuant to 20-78.2 interest shall accrue on the arrearage at the judgment rate as established by 6.1-330.54 unless the obligee, in a writing submitted to the court, waives the collection of interest.

15. Notice is hereby given that on and after July 1, 1994, the Department of Social Services may, pursuant to Chapter 19 of Title 63.2 of the 1950 Code of Virginia, as amended, and in accordance with Section 20-108.2 and Section 63.2-1921 of the 1950 Code of Virginia, as amended, initiate a review of the amount of support ordered by any Court.

16. If any arrearages for child support, including interest or fees, exist at the time the youngest child included in the order emancipates, payments shall continue in the total amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid.

17. Notice is hereby given that, in cases enforced by the Department of Social Services, the Department of Motor Vehicles may suspend or refuse to renew the driver's license of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or in an amount of

\$5,000 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings.

And nothing further remaining to be done herein, it is **ORDERED** that this cause is stricken from the docket and the papers placed among the ended cases.

**ENTERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Judge

Fairfax County Circuit Court

I ASK FOR THIS:

\_\_\_\_\_ (your signature)

Plaintiff, *pro se*

(Type your name)

(Type your address)

(Type your phone number)

\_\_\_\_\_ (Defendant's signature)

Defendant, *pro se*

*(Defendant's signature is required unless notice of the presentation of this Final Decree of Divorce "FDD" to the court for entry has been given or waived as provided by law. The Defendant's signature is not required if (a) he/she signed a Waiver or Acceptance of Service and has not filed an Answer, (b) he/she was served by publication and has not entered an appearance, or (c) the Defendant has executed and filed a Waiver of Notice. If none of these apply and the Defendant does not sign the FDD, use "Form 6" in this packet to put the case on a Motion's Day docket for entry of the FDD. You must then serve a notice on the Defendant of the date and time of the presentation of the proposed FDD along with a copy of the proposed decree.)*

**(FORM 6)**

This Form should be on pink paper.

# **PRIVATE ADDENDUM**

**Pursuant to § 20-121.03**



(FORM 7)

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

_____ (full name)	)	
<b>Plaintiff</b>	)	
	)	
v.	)	CL No. _____
	)	
_____ (full name)	)	
<b>Defendant</b>	)	

**REQUEST FOR ORE TENUS HEARING**

I \_\_\_\_\_,

\_\_\_ Plaintiff, \_\_\_ Defendant hereby request that this matter be set for an Ore Tenus  
(check one)

hearing as all issues in this case are totally uncontested. I have received and read the Fairfax County Circuit Court's Ore Tenus Hearing Instructions and agree to fully comply with them.

Attachments:

- 1. \_\_\_ Property Settlement or Separation Agreement
- 2. \_\_\_ Final Decree
- 3. \_\_\_ Name Change Order
- 4. \_\_\_ Other \_\_\_\_\_

\_\_\_\_\_  
**Name**

\_\_\_\_\_  
**Address**

(\_\_\_\_\_) \_\_\_\_\_  
**Daytime telephone Number**

**CERTIFICATE OF SERVICE**

I hereby certify that if notice is required by either Rule 1:12 of the Rules of the Supreme Court of Virginia or Virginia Code Section 20-99 or 20-99.1:1, a true copy of this pleading and all attachments have been served on opposing counsel of record.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

(FORM 8 A)

**FAIRFAX CIRCUIT COURT  
ORE TENUS HEARING INSTRUCTIONS**

1. All persons involved in divorce cases are strongly encouraged to consult with an attorney so that the legal effects of these proceedings can be fully explained to each litigant. **If you proceed without legal counsel**, you may forever unknowingly waive your rights to custody or visitation, child or spousal support, equitable distribution of property, and other legal claims arising out of your marriage.
2. All divorce cases will proceed and be set for trial through the Divorce Case Tracking Program. However, if **all** issues, such as grounds for divorce and distribution of property, are totally uncontested, a party may, by filing a Request for *Ore Tenus* Hearing **at any time**, request a judge of the Court to hear the evidence *ore tenus* (in court).
3. At the time the Request for *Ore Tenus* Hearing is filed, the party filing the Request **must** submit the following with the request:
  - Original proposed Final Decree of Divorce
    - Name Change Order to resume maiden or former name, if applicable.
    - Copy of any Separation Agreement, if applicable. The original Separation Agreement should be presented to the Court at the hearing.
    - Private Addendum containing the parties social security numbers
    - VS-4 form (completed legibly in black ink)
    - Waiver of Notice/Proof of Service

The Decree must contain the endorsement of each party who is legally entitled to notice of the *ore tenus* hearing and who will not be appearing at the hearing, unless the moving party intends to serve the other party with Notice of the date and time of the *ore tenus* hearing and a copy of the proposed Decree. (Note that proof of service of the Notice and the Final Decree will have to be presented at the *ore tenus* hearing unless Acceptance of Service or Waiver of Notice has been filed.)

4. Upon the filing of a Request for *Ore Tenus* Hearing, the file will be forwarded to one of the judges' law clerks to review all of the pleadings, including the proposed Final Decree of Divorce, to assure compliance with all statutory requirements. The law clerk will advise counsel for the moving party, or the moving party if the litigant is proceeding without counsel, in writing as to the sufficiency of the pleadings.

5. If the law clerk has advised the moving party that the pleadings comply with all statutory requirements, then the moving party must contact the *ore tenus* clerk within fourteen (14) calendar days of the date of the written notice to schedule the hearing. The *ore tenus* clerk may be contacted by calling (703) 246-4200. *Ore tenus* hearings are held Monday through Thursday at 10:00 a.m. If required by law, notice of the date and time of the hearing must be served on the other party.
6. If the pleadings do not comply with all legal requirements, the law clerk will mail a blue Rejection of ore tenus Filing form (Rejection Notice – CCR H-49) to the moving party. The moving party will then have up to fourteen (14) days from the date of the rejection form to correct all deficiencies and return the corrected pleadings, along with the bottom half of the rejection form fully completed, to the Clerk's Office. It is not sufficient to simply file or mail the corrected pleadings to the office of the Clerk of the Circuit Court without including the bottom half of the rejection form and noting that they are to be forwarded to the specific law clerk who sent the rejection form.
7. All communications with the judges' law clerks must be in writing and limited to the matters set forth in the rejection forms. Telephone calls relating to ore tenus cases will not be received by the law clerks. Furthermore, because the law clerks are not permitted to give legal advice to attorneys or to pro se parties, requests for such advice will not be entertained.
8. If the revised pleadings comply with all statutory requirements, the law clerk will so advise the moving party in writing and then the moving party must contact the ore tenus clerk within fourteen (14) days of the date of the acceptance postcard to schedule the hearing.
9. If the revised pleadings do not meet all statutory requirements the law clerk will mail another blue Rejection of ore tenus Filing form to the moving party setting forth the remaining deficiencies in the pleadings.
10. At the *ore tenus* hearing, the moving party and a ***corroborating witness*** (other than the spouse) must present the evidence necessary to meet the requirements of Virginia law. The presiding judge cannot serve as an attorney, so the moving party must be prepared to ask the relevant questions. A copy of general sample questions can be found in ATTACHMENT 8B.
11. If all legal requirements have been satisfied, the judge will generally enter the Final Decree of Divorce and the Name Change Order to resume maiden or former name, if applicable, at the hearing.

**(FORM 8 B)**

**SAMPLE QUESTIONS FOR UNCONTESTED DIVORCE**

**QUESTIONS FOR PARTY:**

1. State your full name and address.
2. State for at least the six months prior to the filing of the Complaint for Divorce, all addresses where you have resided. (Note: if it is the other party upon whom jurisdiction is grounded, then ask this question regarding the residency and domicile of the other party.)
3. So for at least six months prior to the filing of the Complaint for Divorce on (DATE), have you been a bona fide resident and domiciliary of the Commonwealth of Virginia? (Note: if it is the other party upon whom jurisdiction is grounded, then ask this question regarding the residency and domicile of the other party.)
4. Are you currently married to (Spouse's Name)?
5. Where does your spouse currently reside?
6. Have either of you been active duty members of the Armed Forces of the United States or its allies at any time during the pendency of this suit?
7. Are you and your spouse both over the age of eighteen?
8. Were you married on (Date) in (Place)?
9. Were there any children born or adopted of your marriage? (If Yes, ask names and dates of birth of each child)
10. Did you and your spouse separate on or about (Date).
11. At the time of the separation was it the intent of at least one of you that it would be a permanent separation which would ultimately lead to a divorce?
12. Has that intent continued on the part of at least one of you up until the present date?
13. Have you, in fact, remained separate and apart, without any cohabitation and without any interruption since (Date of Separation)?
14. I am handing you a document which will be identified as Plaintiff's Exhibit No.1. Is this your Separation Agreement (or Property Settlement Agreement)?
15. Can you identify the signatures on that document? Is that your signature?
16. Is that your spouse's signature?
17. Does this Agreement resolve all issues of property and support (and possibly custody) arising out of your marriage to one another?
18. Are there any issues left for this court to decide?
19. Is it your desire that the Court affirm, ratify and incorporate, but not merge, this Agreement into the Final Decree of Divorce? (ASK THE COURT TO RECEIVE THE AGREEMENT IN EVIDENCE.)

20. Are you asking the Court to grant you a Final Decree of Divorce *a vinculo matrimonii* based on the fact that the two of you have lived separate and apart for a period in excess of one year (OR SIX MONTHS, if you have a signed separation agreement and have no minor children)?
  21. Is there any hope or probability of a reconciliation?
- 

QUESTIONS FOR WITNESS:

1. State your full name and address please?
2. Are you acquainted with the Plaintiff in this action?
3. What is your relationship?
4. How long have you known him/her?
5. Does the Plaintiff currently reside at (ADDRESS)?
6. For at least six months prior to filing the Complaint for Divorce, please state all addresses where the Plaintiff has resided. (Note: if it is the other party upon whom jurisdiction is grounded, then ask this question regarding the residency and domicile of the other party.)
7. So for at least six months prior to the filing of the Complaint for Divorce on (DATE), was he/she a *bona fide* resident and domiciliary of the Commonwealth of Virginia? (Note: if it is the other party upon whom jurisdiction is grounded, then ask this question regarding the residency and domicile of the other party.)
8. Is the Plaintiff currently married to (spouse's name)?
9. Have you met the Defendant? Would you know him/her by sight?
10. Are both Mr. and Mrs. (NAME) over the age of eighteen?
11. Have either of them been active duty members of the Armed Forces of the United States or its allies at any time during the pendency of this suit?
12. Is it your understanding that they were married on (Date) in (Place)?
13. Were there any children born or adopted of their marriage? (IF YES, ASK NAMES AND AGES)
14. Did they separate on or about (Date)?
15. At the time of the separation, was it the intent of at least one of them that it would be a permanent separation that would ultimately lead to a divorce?
16. Has that intent continued on the part of at least one of them up until the present date?
17. How did you become aware of the separation?
18. Have you had an opportunity to visit in the Plaintiff's or Defendant's home since (Date of Separation)?
19. How often have you visited with the Plaintiff/Defendant in his/her home?

20. In any of your visits to his/her home, have you ever seen anything which would indicate to you that his/her spouse was continuing to live there after (Date of Separation)?
21. How frequently do you speak with the Plaintiff/Defendant either by telephone or in person?
22. In any of your conversations with him/her, have you ever heard anything which would indicate to you that after the (Date of Separation), he/she had reconciled with his wife/her husband and resumed living together with her/him?
23. Do you believe you have a close enough relationship with the Plaintiff/Defendant that if he/she had reconciled with his wife/her husband and resumed living with her/him, that you would have been aware of that fact?
24. So, to your knowledge, have they lived separate and apart without any cohabitation and without interruption from (Date of Separation) up to the present date?
25. Do you believe there is any hope or probability of a reconciliation between them?

(FORM 9 A)

\*\*\* THIS IS A SAMPLE ONLY AND NOT TO BE USED AS A FILL IN THE BLANK FORM. DO NOT retype the language in the parenthesis ( ) when you retype this form. The information in each paragraph needs to be changed as necessary for your particular case. This form is NOT intended to be legal advice and should NOT be relied upon as such. You are encouraged to consult an attorney. This sample form is an order to restore a former or maiden name. \*\*\*

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

\_\_\_\_\_ (full name) )  
Plaintiff )  
 )  
v. ) CL No. \_\_\_\_\_  
 )  
\_\_\_\_\_ (full name) )  
Defendant )

ORDER FOR CHANGE OF NAME

THIS DAY came \_\_\_\_\_ (insert current name of party seeking name change), who moves this Court pursuant to § 20-121.4 that she be restored to the use of her former name, and

IT APPEARING TO THE COURT that your Plaintiff's name is \_\_\_\_\_ (insert current name); that she is now divorced and desires to be restored to the use of her former or maiden name: \_\_\_\_\_ (insert former or maiden name); that her current address is: \_\_\_\_\_ (current address); that she has had the following prior name changes: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_ (list all prior name changes).

IT FURTHER APPEARING TO THE COURT that this request is proper and should be granted; it is, therefore

**ADJUDGED, ORDERED and DECREED** that the name of \_\_\_\_\_ (insert current name) is hereby changed to \_\_\_\_\_ (insert former or maiden name).

**ADJUDGED, ORDERED and DECREED** that the Clerk of this Court, pursuant to the provisions of Virginia Code 8.01-217 shall spread this order upon the current deed book, index it in both the old and new names, and transmit a certified copy to both the State Registrar of Vital Statistics and the Criminal Records Exchange.

**ENTERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Judge

Fairfax County Circuit Court

I ASK FOR THIS:

\_\_\_\_\_ (*your signature using your current name*)

Plaintiff, *pro se*

(*Type your current name*)

(*Type your address*)

(*Type your phone number*)

\_\_\_\_\_ (*Defendant's signature*)

Defendant, *pro se*

*(Defendant's signature is required unless notice of the presentation of the FDD to the court for entry has been given or waived as provided by law. The Defendant's signature is not required if (a) he/she signed a Waiver or Acceptance of Service and has not filed an Answer, (b) he/she was served by publication and has not entered an appearance, or (c) the Defendant has executed and filed a Waiver of Notice. If none of these apply and the Defendant does not sign the FDD, use "Form 6" in this packet to put the case on a Motion's Day docket for entry of the Order for Change of Name. You must then serve a notice on the Defendant of the date and time of the presentation of the proposed Order for Change of Name along with a copy of the proposed decree.)*